











# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

Containing the 2000 Session  
January 5, 2000  
through  
July 12, 2000

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**Typesetting by  
State Bureau of Graphic Services  
Concord, NH**

**Printing and Binding by  
West Group  
Eagan, MN**



# HOUSE JOURNAL No. 1

Wednesday, January 5, 2000

This day, January 5, 2000, the first Wednesday following the first Tuesday in January being the day designated by the Constitution (Art. 3<sup>rd</sup>, Part 2<sup>nd</sup>) for assembling of the second-year session of the 156<sup>th</sup> General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 2000 House of Representatives and called the session to order at 1:30 p.m.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Gracious Creator of all that is seen and unseen, at the beginning of this new year's legislative session, we offer our prayers of thanksgiving to You for all the blessings so richly bestowed upon us. For this beautiful state and its people; for freedom of thought and expression; for courage to dream of new solutions for old problems; for wisdom to hear a variety of voices; for the integrity it takes to make sacrifices for the good of our neighbors. Please bless each member of this House, and particularly those who are in special need today, Marie Hawkinson, Maurice Goulet, members of our families, constituents. May You guide this legislature as it does the work of the people in this hallowed chamber. May the decisions made here today enable each member of this free state to enjoy the richness of New Hampshire and gladly accept the responsibilities of maintaining its liberties. Amen.

Rep. Andrews led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Carlson, Patricia Cote, Curran, Dalrymple, Dawe, Franks, Goulet, Hawkinson, Jane Kelley, Knowles, Lefebvre, Lovejoy, Merrill, Moran, Moriarty, Nichols, Searles and Stone, the day, illness. Reps. Crosby, DeChane, Ham, Kaen, LaMott, Leishman, O'Neil, Dean Ouellette, John Pratt, Priestley, Salatiello, Solow and Williams, the day, important business. Rep. Haettenschwiller, the day, death in the family. Rep. Julie Brown, the day, illness in the family.

## INTRODUCTION OF GUESTS

Jesse Sugarman, guest of Rep. Batula. Doris Johnson, mother of Rep. Nancy Johnson. Former NH Rep. Brenda Ferland, guest of Rep. Phinizy. Laurie Boyce, wife of Rep. Boyce. Barbara Brewster and Audry Schaefer, wife and guest of Rep. Brewster. Daniel, Mary and Michael Eaton and Bonnie Moore, guests of the House. Michele Bigda, guest of Rep. DePecol.

## CALL OF THE ROLL

With 339 members having answered the call of the roll, a quorum was declared present. The House of Representatives offered the following:

## HOUSE RESOLUTION NO. 21

memorializing State Representative Kenneth J. MacDonald of Wolfeboro

*WHEREAS*, we have learned with great sadness of the death of our long-time legislative colleague, Kenneth J. MacDonald, a man known widely for his easy smile, his pleasant and gentle ways, and his great affection for the legislative process, and

*WHEREAS*, having represented District 7 of Carroll County, Kenneth J. MacDonald was in the midst of his ninth term, having served for the seven consecutive bienniums between 1977 and 1990, and then again from 1997 to the present, and

*WHEREAS*, having been a man of broad knowledge and interests, Kenneth J. MacDonald did distinguish himself as a legislator, sitting as a member of the Standing Committees on Criminal Justice & Public Safety, State-Federal Relations & Veterans Affairs, Executive Departments & Administration, Legislative Administration, as well as serving as Vice Chairman and Chairman of Regulated Revenues, and as Vice Chairman of Municipal & County Government, and

*WHEREAS*, for the 1993-1994 biennium, Kenneth J. MacDonald, honorably and with accomplishment, did serve as an esteemed member of the New Hampshire Senate, representing District 3, and

*WHEREAS*, having been born in Lakeport, Kenneth J. MacDonald did spend his life in the Lakes region and with a strong sense of duty did serve in the United States Army during World War II, and later, with devotion, did serve the people of New Hampshire for twenty-two years as an officer with the State Police, retiring as a Detective Sergeant, and

*WHEREAS*, having been blessed with an abundance of energy and civic pride, Kenneth J. MacDonald did serve the citizenry of Wolfeboro as a Selectman, as Chairman of the County Delegation, and as a member of the Highway Safety Commission, now therefore be it

*RESOLVED*, by the House of Representatives in Regular Session convened, that Kenneth J. MacDonald be saluted and granted the highest of accolades for his outstanding and dedicated service to his community and his state and his country, and be it further

*RESOLVED*, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

## HOUSE RESOLUTION NO. 22

memorializing State Representative Paul A. Golden of Center Barnstead

*WHEREAS*, it is with great sadness we have learned of the death of our esteemed colleague, Paul A. Golden, who was in the midst of his ninth consecutive term as an honorable and dedicated member of the House of Representatives, and

*WHEREAS*, during his distinguished legislative tenure of seventeen years, which began in January of 1983, Paul A. Golden, with competence and great energy, did serve as a member of the Standing Committee on Municipal & County Government, and

*WHEREAS*, having been born in Center Barnstead, Paul A. Golden never ventured far from his roots, choosing to serve the citizenry of the community in a myriad of ways, including thirty-five years as a Barnstead Selectman, and

*WHEREAS*, having been possessed of abundant energy and concern for the community, Paul A. Golden also did serve the Town of Barnstead as Overseer for Public Welfare and as Public Health Officer, and

*WHEREAS*, having been an amicable man blessed with a gentle spirit, Paul A. Golden did enjoy a wide reputation as a gentleman of high integrity, and

*WHEREAS*, during World War II, Paul A. Golden, with honor and fidelity, did serve in the United States Army, and later did become an esteemed member of the American Legion and the Veterans of Foreign Wars, now therefore be it

*RESOLVED*, by the House of Representatives in Regular Session convened, that Paul A. Golden be granted highest praise and recognition for his dedicated and exemplary legislative service, and for his like service to the Barnstead Community, and be it further

*RESOLVED*, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

## POEM

Rep. Patten read a poem from the memorial service for Rep. Golden.

*I'd like the memory of me to be a happy one.*

*I'd like to leave an afterglow of smiles when day is gone.*

*I'd like to leave an echo whispering softly down the ways,  
of happy times, and laughing times, and bright and sunny days.*

*I'd like the tears of those who grieve to dry before the sun  
of happy memories that I leave when life is done.*

## RESOLUTION

Reps. Chandler and Burling offer the following: *RESOLVED*, that in accordance with the list in the possession of the Clerk, House Bills numbered 1101 through 1199, 1201 through 1299, 1301 through 1399, 1401 through 1499, 1501 through 1599, 1601 through 1613, House Joint Resolutions 20 through 25, House Concurrent Resolutions 20 through 30, House Resolution 20 and Constitutional Amendment Concurrent Resolutions 30 through 37, shall be by this resolution read a first and second time by the therein listed titles, sent for printing and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS, HJR's, HCR's, HR and CACRs****First, second reading and referral**

**HB 1101**, establishing a Pillsbury state park advisory commission. (J. Phinizy, Sull 7; Tuthill, Sull 5; Wiggins, Sull 4; Disnard, Dist 8: Resources, Recreation and Development)

**HB 1102**, relative to accessibility of veterans' disability payments in divorce cases. (Rubin, Rock 25: Children and Family Law)

**HB 1103**, relative to the number of motor vehicle dealer plates. (Robertson, Ches 18; Batchelder, Ches 2: Transportation)

**HB 1104**, limiting the liability of paramedics caring for patients in transport between hospitals. (Brothers, Graf 6: Judiciary)

**HB 1105**, ratifying the 1999 Seabrook annual town meeting. (O'Keefe, Rock 21; Weare, Rock 21; B. Moore, Rock 21; Hollingworth, Dist 23: Municipal and County Government)

**HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Letourneau, Rock 13; Sytek, Rock 26; Arndt, Rock 27; Packard, Rock 29; Downing, Rock 26; Klemm, Dist 22; Russman, Dist 19; Francoeur, Dist 14: Public Works and Highways)

**HB 1107**, establishing a committee to study whether the public utilities commission should regulate Internet service providers. (Quandt, Rock 20: Science, Technology and Energy)

**HB 1108**, relative to waiver of attendance at child impact seminars. (Babson, Carr 5: Children and Family Law)

**HB 1109**, relative to the modification of spousal support orders. (Babson, Carr 5: Children and Family Law)

**HB 1110**, establishing a committee to study landlord-tenant issues. (L. Jean, Hills. 17; Clegg, Hills. 23: Judiciary)

**HB 1111**, relative to the adoption by reference of the International Property Maintenance Code for municipalities. (O'Neil, Rock 22: Municipal and County Government)

**HB 1112**, prohibiting the use of the far left lane on the interstate for anything other than passing. (Mirski, Graf 12: Transportation)

**HB 1113**, raising the maximum price for lucky 7 tickets. (O'Keefe, Rock 21; Welch, Rock 18: Finance)

**HB 1114-FN**, relative to creditable service in the retirement system for teachers in a job-sharing position. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

**HB 1115-FN**, relative to purchasing credit for prior service for certain employees in the retirement system. (Dyer, Hills 8; Thulander, Hills 6: Executive Departments and Administration)

**HB 1116-FN**, prohibiting partial-birth abortions. (Woods, Straf 11; Wendelboe, Belk 2; L. Jean, Hills 17; Wood, Belk 7; Flora, Hills 15; Holley, Hills 28; McDonald, Hills 41; R. Nowe, Rock 3; Brown, Dist 17; Krueger, Dist 16; Roberge, Dist 9; Johnson, Dist 3; Francoeur, Dist 14: Judiciary)

**HB 1117-FN-A**, establishing a retail sales fee on alcoholic beverages. (Moriarty, Hills 18: Finance)

**HB 1118**, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers and other resort facilities. (Langone, Rock 13; Gibbons, Rock 13; G. Katsakiores, Rock 13: Public Works and Highways)

**HB 1119**, establishing a commission to investigate health care issues. (Packard, Rock 29; R. Nowe, Rock 3; Letourneau, Rock 13; Quandt, Rock 20; Martel, Hills 45: Commerce)

**HB 1120-L**, relative to the definition of net assets in the elderly exemption to property taxes. (Beaulieu, Rock 11; Hamel, Rock 10: Municipal and County Government)

**HB 1121-FN**, relative to admission to Wellington state park by residents of the town of Alexandria. (Scanlan, Graf 11: Resources, Recreation and Development)

**HB 1122**, relative to firewards. (Boyce, Belk 5: Municipal and County Government)

**HB 1123-FN-L**, relative to local planning and zoning enforcement procedures. (Boyce, Belk 5; Czech, Belk 5; Bartlett, Belk 6: Municipal and County Government)

**HB 1124-L**, relative to local building codes. (Boyce, Belk 5; Clegg, Hills 23; Czech, Belk 5; Bartlett, Belk 6: Municipal and County Government)

**HB 1125**, protecting the confidentiality of telecommunications customer information. (Boyce, Belk 5: Science, Technology and Energy)

**HB 1126**, relative to requiring certain employers to pay time-and-one-half wages for hours worked on Sundays. (P. Katsakiores, Rock 13; Martel, Hills 45; Griffin, Rock 27; Pantelakos, Rock 30; McColgan, Hills 24: Labor, Industrial and Rehabilitative Services)



- HB 1127**, establishing a committee to study the application and appeal procedures for excavating and dredging permits. (Phinizy, Sull 7; Dickinson, Carr 2; Leone, Sull 2; Young, Sull 6: Resources, Recreation and Development)
- HB 1128**, allowing enhanced 911 funds to be used for certain uniform costs. (P. Katsakiores, Rock 13; Pantelakos, Rock 30; Martel, Hills 45; Pilliod, Belk 3: Finance)
- HB 1129-FN**, relative to wetlands scientists. (Kibbey, Sull 4: Executive Departments and Administration)
- HB 1130**, relative to persons conducting alcohol concentration tests. (Christie, Rock 22: Criminal Justice and Public Safety)
- HB 1131-FN**, relative to license revocations and suspensions. (R. Nowe, Rock 3; Christie, Rock 22; Welch, Rock 18; Harmon, Graf 8; Packard, Rock 29: Criminal Justice and Public Safety)
- HB 1132-L**, relative to exemptions and credits to property taxes when the property is sold. (Thulander, Hills 6: Municipal and County Government)
- HB 1133**, establishing a committee to study issues regarding martial arts instruction in the state. (Goulet, Hills 15; Stickney, Rock 26: Executive Departments and Administration)
- HB 1134**, establishing a committee to study mental health care treatment under managed care plans. (Crosby, Merr 20; Francoeur, Rock 22: Commerce)
- HB 1135**, establishing a committee to study whether the governor should mediate negotiations between health care providers and insurance companies. (Quandt, Rock 20; Beaulieu, Rock 11: Commerce)
- HB 1136**, adding the dean of the college for lifelong learning to the university system of New Hampshire board of trustees. (Larrabee, Merr 9; Hoadley, Merr 24; Maxfield, Merr 9; Weyler, Rock 18: Education)
- HB 1137**, relative to bingo and lucky 7 volunteers. (Cooney, Rock 26; Leonard, Hills 39: Criminal Justice and Public Safety)
- HB 1138**, requiring warnings for certain antitheft devices. (Ruffner, Rock 25; Pilliod, Belk 3; Martel, Hills 45; Batula, Hills 18; Millham, Belk 4; D'Allesandro, Dist 20; Squires, Dist 12: Commerce)
- HB 1139**, establishing a committee to study involuntary emergency admission hearings. (Manning, Ches 9; Bickford, Straf 1; Squires, Dist 12: Judiciary)
- HB 1140**, establishing a committee to study the department of corrections. (Quandt, Rock 20; D'Allesandro, Dist 20: Criminal Justice and Public Safety)
- HB 1141**, relative to access highways to public waters. (Royce, Ches 9; R. Nowe, Rock 3; Johnson, Dist 3: Public Works and Highways)
- HB 1142**, establishing a study committee to evaluate the Medicaid "In and Out" Program. (Virtue, Merr 9; Bouchard, Merr 22: Health, Human Services and Elderly Affairs)
- HB 1143-FN**, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway." (Bradley, Carr 8; K. MacDonald, Carr 7; Johnson, Dist 3: Public Works and Highways)
- HB 1144-L**, relative to the property tax exemption of not-for-profit hospitals. (Weyler, Rock 18; Quandt, Rock 20; Beaulieu, Rock 11; Krueger, Dist 16; Brown, Dist 17: Municipal and County Government)
- HB 1145**, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. (Welch, Rock 18; Weare, Rock 21; Dyer, Hills 8: Judiciary)
- HB 1146-L**, relative to tax increment financing. (Patten, Carr 9: Municipal and County Government)
- HB 1147**, relative to the right-to-know law and electronic communication. (Quandt, Rock 20: Judiciary)
- HB 1148-FN-L**, relative to certain weighted pupils within the adequate education grant distribution formula. (Boyce, Belk 5: Finance)
- HB 1149**, commemorating the anniversary of the founding of certain branches of the United States armed forces. (Dalianis, Hills 35; Clegg, Hills 23; Quandt, Rock 20; Kenney, Carr 6; Fields, Hills 18; Martel, Hills 45; Squires, Dist 12: State-Federal Relations and Veterans Affairs)
- HB 1150**, relative to voter registration for official ballot meetings. (Flanagan, Rock 14; Stritch, Rock 5: Election Law)
- HB 1151**, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives. (Dokmo, Hills 14; Leone, Sull 2: Municipal and County Government)



- HB 1152**, relative to the establishment of crossbow hunting seasons. (Brothers, Graf 6; L'Heureux, Hills 18; Carlson, Hills 19; Disnard, Dist 8: Wildlife and Marine Resources)
- HB 1153**, establishing a committee to study and assess the impact on traffic on NH Routes 121 and 102 in Chester from the proposed interchange off exit 4A on Interstate 93 in Derry. (Hamel, Rock 10; Beaulieu, Rock 11; Gleason, Rock 13; Krueger, Dist 16: Public Works and Highways)
- HB 1154-FN**, prohibiting general fund appropriations and transfers of general fund surplus to supplement the education trust fund. (Jacobson, Merr 2: Finance)
- HB 1155**, excepting for-profit blood suppliers from limitations on strict liability. (Gilman, Graf 1; Clegg, Hills 23; Kelley, Rock 22; Scanlan, Graf 11; Eaton, Graf 1; McColgan, Hills 24; N. Wall, Hills 22; Martel, Hills 45: Judiciary)
- HB 1156**, establishing June 20<sup>th</sup> each year as Destroyer Escort Day. (Fenton, Hills 24; Hunter, Hills 7; J. Flanders, Rock 18; Welch, Rock 18; D. White, Hills 25: State-Federal Relations and Veterans Affairs)
- HB 1157**, establishing a committee to study incentives to attract individuals to the teaching profession. (Arndt, Rock 27; F. Davis, Merr 12: Education)
- HB 1158**, relative to state park campground reservations. (Cooney, Rock 26: Resources, Recreation and Development)
- HB 1159**, establishing a committee to study the origins and destinations of truck traffic at the exit 3 truck stop in the town of Greenland. (Shultis, Rock 33; Pantelakos, Rock 30; C. Kane, Rock 32; Blanchard, Rock 33; Dearborn, Rock 23; Cohen, Dist 24: Public Works and Highways)
- HB 1160**, relative to access to the enhanced 911 system. (Francoeur, Rock 22: Commerce)
- HB 1161**, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws. (Milligan, Hills 18; Weyler, Rock 18; J. Flanders, Rock 18; Rubin, Rock 25: Transportation)
- HB 1162**, establishing a committee to study the petition process, record keeping procedures, and costs of services in CHINS cases. (Lyman, Carr 5: Children and Family Law)
- HB 1163**, relative to the date of decision for appeals of zoning matters. (Hess, Merr 11; Foster, Hills 10; Lockwood, Merr 9; Simon, Hills 40: Municipal and County Government)
- HB 1164**, relative to insurance compliance self audits. (Russell, Ches 15: Commerce)
- HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley. (E. Smith, Ches 6; Cloutier, Sull 8; Tholl, Coos 5: Public Works and Highways)
- HB 1166**, relative to confidentiality and information collection by the department of agriculture, markets, and food. (Melcher, Hills 11; Babson, Carr 5; Scanlan, Graf 11: Environment and Agriculture)
- HB 1167**, exempting certain dog trainers from the requirement of possessing a hunting license. (O'Neil, Rock 22; Bridle, Rock 22: Wildlife and Marine Resources)
- HB 1168**, establishing a committee to study the merits of limiting the use of social security numbers as identifiers. (Bruno, Hills 4; D. Ouellette, Hills 42; Belanger, Rock 26; McGough, Hills 18; Roberge, Dist 9: Judiciary)
- HB 1169**, relative to gates and bars on class VI roads. (Philbrick, Carr 4; Patten, Carr 9: Public Works and Highways)
- HB 1170**, relative to recreational vehicle parking at property contiguous to certain motorsports facilities. (Babson, Carr 5: Resources, Recreation and Development)
- HB 1171**, restricting the payment of salaries to suspended judicial officers. (Soltani, Merr 10: Judiciary)
- HB 1172**, providing staggered terms for agricultural advisory board members. (Musler, Straf 6; Babson, Carr 5; Melcher, Hills 11; Messier, Hills 46: Environment and Agriculture)
- HB 1173-L**, relative to the optional veterans' tax credit. (Twardus, Straf 13; Brennan, Straf 16; Schanda, Rock 19; Drabinowicz, Hills 36: Municipal and County Government)
- HB 1174**, establishing a committee to study the feasibility of creating an umbrella-type agency for health care. (Quandt, Rock 20; Beaulieu, Rock 11; Weyler, Rock 18; Martel, Hills 45; Johnson, Dist 3: Commerce)
- HB 1175**, relative to license renewal for dental hygienists. (Dyer, Hills 8: Executive Departments and Administration)
- HB 1176**, relative to publication of notice of meetings of the joint health council. (Dyer, Hills 8; Emerton, Hills 7: Executive Departments and Administration)

**HB 1177**, relative to the effective date of legislation establishing a chartered or statutory legislative committee. (Dyer, Hills 8; Gordon, Dist 2: Legislative Administration)

**HB 1178**, relative to using state funds for changing the name of a state agency or department. (Harmon, Graf 8; Brothers, Graf 6: Finance)

**HB 1179**, relative to final orders of the public utilities commission. (Gilmore, Straf 11; Bradley, Carr 8; D. White, Hills 25: Science, Technology and Energy)

**HB 1180-FN**, relative to separating the budget for New Hampshire public television from the university system of New Hampshire budget. (Hinman, Graf 7; Wendelboe, Belk 2; Gordon, Dist 2; Johnson, Dist 3: Finance)

**HB 1181**, establishing a study committee to examine the costs of private adoption. (Leishman, Hills 13: Children and Family Law)

**HB 1182**, relative to eligibility for unemployment benefits for school employees. (Rodrigue, Coos 7: Labor, Industrial and Rehabilitative Services)

**HB 1183**, relative to consumer access to providers for the term of the consumer's health benefit plan and extending the reporting date of a committee. (K. Herman, Hills 13; Taylor, Straf 11: Commerce)

**HB 1184**, relative to minimum participation requirements for small employers. (K. Herman, Hills 13: Commerce)

**HB 1185**, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000. (Musler, Straf 6; Lynde, Hills 24; Cobb, Graf 5; Wheeler, Dist 21; Johnson, Dist 3; Below, Dist 5: Environment and Agriculture)

**HB 1186**, extending the reporting date of the Sullivan county regional refuse disposal district issues study committee. (Patten, Carr 9; Foster, Hills 10; Leone, Sull 2; Dismard, Dist 8; Below, Dist 5; Johnson, Dist 3: Environment and Agriculture)

**HB 1187-FN-L**, allowing the public employee labor relations board to decertify a bargaining unit. (Boyce, Belk 5: Labor, Industrial and Rehabilitative Services)

**HB 1188-FN-L**, relative to alternative kindergarten programs. (D. White, Hills 25: Education)

**HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Turner, Belk 7; Bishop, Rock 12; Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)

**HB 1190-FN**, requiring that fiscal notes specify the exact amount of the fiscal impact. (Putnam, Rock 15: Legislative Administration)

**HB 1191-FN-L**, relative to the adoption of charter school and open enrollment provisions in co-operative school districts and authorized regional enrollment areas. (O'Hearn, Hills 26; Howard, Carr 10; Hunt, Ches 10; Alger, Graf 9: Education)

**HB 1192-FN**, creating an exemption from tolls within the New Hampshire turnpike system for members of the New Hampshire national guard. (Kenney, Carr 6: Public Works and Highways)

**HB 1193-FN**, relative to the penalty for non-moving violations by youth operators. (Langley, Rock 24: Transportation)

**HB 1194**, relative to the composition of planning boards in certain cities. (Gilmore, Straf 11; Wheeler, Dist 21: Municipal and County Government)

**HB 1195**, making technical changes to the law regulating acupuncture. (Bradley, Carr 8; Wheeler, Dist 21: Executive Departments and Administration)

**HB 1196-L**, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore. (Ham, Graf 4: Criminal Justice and Public Safety)

**HB 1197**, encouraging school districts to offer instruction on the causes and effects of the Great Irish Hunger. (W. McCarthy, Hills 41; Buckley, Hills 44; J. McDonald, Hills 41; Kelley, Rock 22; J. White, Hills 46: Education)

**HB 1198**, establishing a procedure for the 2001 voter checklist verification. (Arndt, Rock 27; F. Davis, Merr 12: Election Law)

**HB 1199**, establishing a study committee on funding for affordable housing. (Potter, Merr 24; Garrish, Hills 37: Finance)

**HB 1201**, creating a committee to study incentives for regionalization of sludge and septage facilities. (Patten, Carr 9: Environment and Agriculture)

**HB 1202-L**, making technical corrections to 1999, 17 as amended. (Patten, Carr 9: Finance)

**HB 1203-L**, relative to the cost to municipal libraries of access to services of the state library. (Mock, Carr 3; Chandler, Carr 1: Executive Departments and Administration)

**HB 1204-FN**, relative to plant seeds that have artificially heightened resistance to herbicides and pesticides. (Lynde, Hills 24; Owen, Merr 6: Commerce)

**HB 1205-L**, relative to tax exemption for noise pollution control facilities. (MacGillivray, Hills 21: Municipal and County Government)

**HB 1206**, extending the reporting date of the committee studying alcohol and drug abuse prevention. (Leber, Merr 1; Cox, Rock 24; Taylor, Straf 11; Keye, Hills 30; Gordon, Dist 2; Wheeler, Dist 21; J. King, Dist 18: Health, Human Services and Elderly Affairs)

**HB 1207**, relative to establishing a retired status for licensed plumbers. (W. Phinney, Graf 8: Executive Departments and Administration)

**HB 1208**, relative to the appointment of non-certified employees within a school administrative unit. (Scanlan, Graf 11; Mirski, Graf 12: Education)

**HB 1209**, restricting construction of class B and class C dams. (Royce, Ches 9: Resources, Recreation and Development)

**HB 1210-L**, relative to capital reserve funds. (Patten, Carr 9; Anderson, Merr 7; Simon, Hills 40: Municipal and County Government)

**HB 1211**, establishing a committee to study the health effects of child immunizations. (D.Hall, Graf 13; Richardson, Ches 12: Health, Human Services and Elderly Affairs)

**HB 1212**, relative to extending the reporting date of the open adoption study committee. (Bickford, Straf 1; Richardson, Ches 12; Martel, Hills 45; Coughlin, Hills 12; Pignatelli, Dist 13: Children and Family Law)

**HB 1213**, establishing a commission to develop a pilot program for displaced veterans. (Leonard, Hills 39; Dickinson, Carr 2: State-Federal Relations and Veterans Affairs)

**HB 1214-L**, relative to municipal permits for registration of motor vehicles. (Gilmore, Straf 11; Wheeler, Dist 21: Municipal and County Government)

**HB 1215**, establishing a committee to study school nurse certification. (French, Merr 3; I. Pratt, Ches 5; Nordgren, Graf 10: Health, Human Services and Elderly Affairs)

**HB 1216**, relative to petitions for warrant articles. (Quandt, Rock 20: Municipal and County Government)

**HB 1217**, establishing a committee to study marriage preparation. (French, Merr 3; I. Pratt, Ches 5; Pilliod, Belk 3; Richardson, Ches 12; Rodd, Merr 3; Wheeler, Dist 21: Children and Family Law)

**HB 1218**, relative to discipline of state employees or officers making willful false statements. (Gilman, Graf 1; K. Herman, Hills 13; Ward, Graf 1: Executive Departments and Administration)

**HB 1219**, relative to elected officials with corporate conflicts of interests. (Owen, Merr 6: Municipal and County Government)

**HB 1220**, establishing a New Hampshire conflict of interest law. (Marple, Merr 11: Executive Departments and Administration)

**HB 1221**, directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training. (Welch, Rock 18; Hunter, Hills 7; Dyer, Hills 8: Criminal Justice and Public Safety)

**HB 1222**, relative to outdoor advertising in an unzoned commercial or industrial area. (Scanlan, Graf 11: Public Works and Highways)

**HB 1223**, changing the name, amending the duties, and extending the reporting date of the committee to study the unclassified salary structure for state officers. (Dyer, Hills 8; Konys, Hills 33; Clegg, Hills 23; F. King, Dist 1; D'Allesandro, Dist 20; Below, Dist 5: Executive Departments and Administration)

**HB 1224**, relative to the process for nonrenewal of teacher contracts. (Henderson, Rock 20; Alger, Graf 9; Chandler, Carr 1: Education)

**HB 1225**, relative to the name of the department of fish and game. (Chandler, Carr 1; Abbott, Rock 19; R. Nowe, Rock 3; Merrill, Coos 1; Blaisdell, Ches 19; Disnard, Dist 8; F. King, Dist 1: Wildlife and Marine Resources)

**HB 1226**, relative to vacancies in the office of United States senator. (Wendelboe, Belk 2: Election Law)

**HB 1227**, relative to universal waste. (J. Phinzy, Sull 7; Tuthill, Sull 5; B. Hall, Hills 20; Messier, Hills 46; Owen, Merr 6: Environment and Agriculture)



**HB 1228**, relative to offers of credit received through the mail. (Sapareto, Rock 13: Commerce)  
**HB 1229**, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH. (Rose, Ches 13; Kennedy, Merr 7; D. White, Hills 25; Gilmore, Straf 11; Tuthill, Sull 5; Roberge, Dist 9; Brown, Dist 17; Krueger, Dist 16; Cohen, Dist 24: Science, Technology and Energy)

**HB 1230**, abolishing the requirement that purchasers of new motor vehicles must surrender the certificate of origin to the department of motor vehicles. (Marple, Merr 11; D. Hall, Graf 13; Rose, Ches 13; Mirski, Graf 12; D. White, Hills 25: Transportation)

**HB 1231**, requiring proposed legislation to be reviewed by a house or senate special committee to determine constitutionality prior to its introduction. (Marple, Merr 11; L. Jean, Hills 17; Weyler, Rock 18; Brothers, Graf 6: Legislative Administration)

**HB 1232**, relative to the investment options for county funds. (Weyler, Rock 18; Beaulieu, Rock 11: Municipal and County Government)

**HB 1233**, relative to interest on judgments. (Soltani, Merr 10: Judiciary)

**HB 1234**, relative to a special commission allowing non-ordained ministers residing out of state to perform marriages in New Hampshire. (Burling, Sull 1: Children and Family Law)

**HB 1235**, relative to fill and dredge in wetlands. (Kibbey, Sull 4: Resources, Recreation and Development)

**HB 1236**, granting a defendant the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. (Marple, Merr 11; Welch, Rock 18; R. Nowe, Rock 3; Alger, Graf 9; Rose, Ches 13; Gilmore, Straf 11; Mirski, Graf 12; Roberge, Dist 9: Judiciary)

**HB 1237**, relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar. (Harmon, Graf 8: Children and Family Law)

**HB 1238**, relative to the collection and disbursement of support orders by the department of health and human services. (Bickford, Straf 1: Children and Family Law)

**HB 1239**, relative to durable powers of attorney. (Dokmo, Hills 14: Judiciary)

**HB 1240**, establishing a prompt payment law for managed care organizations. (Crosby, Merr 20: Commerce)

**HB 1241**, relative to third person liability under the workers' compensation law. (Clegg, Hills 23; K. Herman, Hills 13: Labor, Industrial and Rehabilitative Services)

**HB 1242**, relative to the standard for modification of a child custody order. (Soltani, Merr 10: Children and Family Law)

**HB 1243**, relative to permitting the practice of tip pooling by an employer. (Emerton, Hills 7: Labor, Industrial and Rehabilitative Services)

**HB 1244**, establishing a committee to study requiring health care workers to use retractable needles. (Emerton, Hills 7; Burling, Sull 1: Health, Human Services & Elderly Affairs)

**HB 1245**, relative to notice of railroad construction projects. (Kenney, Carr 6: Public Works and Highways)

**HB 1246**, relative to sign permits for non-tourist-related local businesses. (Kenney, Carr 6: Public Works and Highways)

**HB 1247-FN-L**, increasing the tax rate assessed on excavated earth. (Burnham, Ches 8: Finance)

**HB 1248**, relative to the out-of-state travel budget for house members. (Vaillancourt, Hills 44: Legislative Administration)

**HB 1249**, providing that critical incident reviews conducted by the department of corrections are privileged and protected from discovery in any proceeding. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1250**, allowing a psychiatric/mental health advanced registered nurse practitioner to declare a personal safety emergency, to transfer an inmate for a psychiatric inpatient emergency, and to authorize an involuntary emergency hospitalization. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1251**, relative to driver education training reimbursement. (LaPorte, Hills 39; Packard, Rock 29; Major, Rock 16; Gleason, Rock 13: Transportation)

**HB 1252**, establishing a beneficial use policy for wastewater sludge and providing technical and education assistance to municipalities and their residents concerning the beneficial use of sludge. (Patten, Carr 9: Environment and Agriculture)



**HB 1253**, establishing a 4-year term for the commissioner of the department of corrections. (Lozeau, Hills 30; Burling, Sull 1: Executive Departments and Administration)

**HB 1254**, establishing a committee to study the need to review and assess state-owned land managed by the fish and game department. (Wendelboe, Belk 2: Public Works and Highways)

**HB 1255**, establishing a government competition competitive neutrality study committee. (MacGillivray, Hills 21: Commerce)

**HB 1256**, clarifying certain health care laws. (Pilliod, Belk 3: Health, Human Services & Elderly Affairs)

**HB 1257-FN**, prohibiting the sale of urine for drug testing purposes. (L'Heureux, Hills 18; G. Katsakiores, Rock 13; Milligan, Hills 18; Tholl, Coos 5; Gorman, Hills 29; Roberge, Dist 9; Pignatelli, Dist 13; Johnson, Dist 3; Klemm, Dist 22; Wheeler, Dist 21: Criminal Justice and Public Safety)

**HB 1258-FN**, relative to invasive plant, insect, and fungal species. (L. Pratt, Coos 4; Babson, Carr 5; Melcher, Hills 11; Owens, Merr 6; Philbrick; Carr 4; Russman, Dist 19; Disnard, Dist 8: Environment and Agriculture)

**HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Melcher, Hills 11; M. Fuller Clark, Rock 36; Brundige, Hills 18; Spang, Straf 8: Municipal and County Government)

**HB 1260-FN**, relative to the cost of prescription medication. (Andrews, Hills 34; Manning, Ches 9; Fields, Hills 18; V. Clark, Rock 17; Dyer, Hills 8; Johnson, Dist 3: Commerce)

**HB 1261-FN-A-L**, replacing the excavation tax and excavation activity tax with an excavation yield tax. (Boyce, Belk 5: Finance)

**HB 1262-FN**, establishing a fly-fishing stamp for persons possessing a fishing license who wish to fly-fish in waters designated fly-fishing only. (Mirski, Graf 12: Wildlife and Marine Resources)

**HB 1263-FN**, establishing the crime of misrepresentation of law or facts of a case by a state judicial, executive, or legislative official. (Marple, Merr 11; Gilman; Graf 1; Christiansen, Hills 23; R. Nowe, Rock 3; Boyce, Belk 5; D. Hall, Graf 13; Roberge, Dist 9: Judiciary)

**HB 1264-FN**, relative to the unlawful use of theft detection shielding devices. (P. Katsakiores, Rock 13; Pantelakos, Rock 30; McColgan, Hills 24: Criminal Justice and Public Safety)

**HB 1265-FN**, exempting snowmobiles used by OHRV clubs for trail grooming and other public services from the payment of OHRV registration fees. (Kennedy, Merr 7: Transportation)

**HB 1266-FN**, relative to classification of and standards for custom vehicles manufactured during or after 1949, and establishing special plates for such vehicles. (F. Davis, Merr 12; Daneault, Merr 12; Lavoie, Merr 12; Fortnam, Merr 12: Transportation)

**HB 1267-FN**, requiring courts to use the English language on all forms and in all correspondence. (Weber, Graf 11: Judiciary)

**HB 1268-FN**, relative to certain vehicle registrations. (Packard, Rock 29; Letourneau, Rock 13: Transportation)

**HB 1269-FN**, relative to the creation of a university system of New Hampshire license plate. (Rodrigue, Coos 7: Transportation)

**HB 1270-FN-L**, relative to charter schools and open enrollment districts. (O'Hearn, Hills 26; Hunt, Ches 10: Education)

**HB 1271**, relative to participation by minors in certain athletic activities. (Pilliod, Belk 3; Chase, Merr 7; Nordgren, Graf 10: Children and Family Law)

**HB 1272**, allowing school nurses to possess and administer epinephrine for certain emergency treatment. (Pilliod, Belk 3: Health, Human Services and Elderly Affairs)

**HB 1273**, relative to restricting usage of cellular phones while driving. (Milligan, Hills 18; Langer, Merr 11; McGuirk, Ches 1; Beaulieu, Rock 11; Letourneau, Rock 13; Roberge, Dist 9: Transportation)

**HB 1274**, limiting the services that a cable television operator may require a consumer to purchase as a condition of access to other video programming. (Larrabee, Merr 9: Science, Technology and Energy)

**HB 1275**, requiring school bus drivers to use all safety equipment on the bus or risk revocation of certificate. (Larrabee, Merr 9: Transportation)

**HB 1276**, establishing a committee to study the adoption of a regulated health professions act to promote consistency and efficiency in health occupation regulation. (V. Clark, Rock 17: Executive Departments and Administration)

- HB 1277-L**, relative to payment by an applicant of outstanding costs on a withdrawn proposal submitted to a planning board. (V. Clark, Rock 17: Municipal and County Government)
- HB 1278**, establishing a committee to investigate bank foreclosures on homeowners' properties and bank overdraft fees. (Marple, Merr 11: Commerce)
- HB 1279**, relative to the applicability of school bus safety laws. (Daniels, Hills 13: Transportation)
- HB 1280**, relative to medical emergencies under managed care organizations. (DiFruscia, Rock 27; Belanger, Rock 26: Commerce)
- HB 1281**, relative to disqualification of public utility commissioners. (Gilmore, Straf 11: Science, Technology and Energy)
- HB 1282**, establishing a committee to study the possibility of self-insuring state employees. (Peterson, Hills 8; Belvin, Hills 14; M. Fuller Clark, Rock 36: Finance)
- HB 1283**, establishing a commission on the education of the deaf in New Hampshire. (O'Hearn, Hills 26: Education)
- HB 1284-FN**, prohibiting the courts from charging fees. (Marple, Merr 11: Finance)
- HB 1285**, establishing a committee to study the feasibility of assessing taxes for special education at the county level. (Mirski, Graf 12: Education)
- HB 1286**, relative to relicensure by the pharmacy board of a certain pharmacist. (Mirski, Graf 12: Executive Departments and Administration)
- HB 1287**, relative to the membership of the water council. (Kibbey, Sull 4: Resources, Recreation and Development)
- HB 1288**, relative to the rulemaking hearing process for state agencies. (Kibbey, Sull 4: Executive Departments and Administration)
- HB 1289**, relative to defining surface waters, relative to septage and sludge spreading, and relative to rulemaking by the commissioner of the department of environmental services. (Kibbey, Sull 4: Resources, Recreation and Development)
- HB 1290**, relative to liability for motor vehicle state inspection, registration, and equipment violations. (Vaillancourt, Hills 44: Transportation)
- HB 1291**, relative to the names of candidates on ballots. (Flanagan, Rock 14: Election Law)
- HB 1292**, making it a crime to cause the death of an unborn child as a result of committing a violent act against a pregnant woman. (Torressen, Carr 10; M. Nowe, Rock 4; Reeves, Hills 37; Johnson, Dist 3: Criminal Justice and Public Safety)
- HB 1293**, relative to same-sex marriages contracted outside of the state of New Hampshire. (Torressen, Carr 10; N. Wall, Hills 22: Children and Family Law)
- HB 1294-L**, relative to regional planning commissions. (Hamel, Rock 10; Moran, Hills 15; Gleason, Rock 13; Dwyer, Hills 43; J. Wall, Straf 9; J. King, Dist 18; D'Allesandro, Dist 20; Russman, Dist 19: Municipal and County Government)
- HB 1295**, relative to prescription drug cards. (Taylor, Straf 11; M. Fuller Clark, Rock 36; Wheeler, Dist 21: Commerce)
- HB 1296**, establishing a committee to study the education and training curriculum developed by the police standards and training council. (Keans, Straf 16; Robertson, Ches 18: Criminal Justice and Public Safety)
- HB 1297**, establishing a commission on fairness in sentencing. (Keans, Straf 16; Robertson, Ches 18: Criminal Justice and Public Safety)
- HB 1298**, requiring advertisements and postings of meals and rooms prices to include the amount of meals and rooms tax in each price displayed. (Bickford, Straf 1: Commerce)
- HB 1299-L**, prohibiting elected or appointed public servants from leasing or renting space to private contractors. (Marple, Merr 11: Public Works and Highways)
- HB 1301**, relative to regional appointments to the state committee on aging. (Potter, Merr 24: Health, Human Services and Elderly Affairs)
- HB 1302**, establishing a committee to study issues of senior outreach programs. (D. White, Hills 25: Health, Human Services and Elderly Affairs)
- HB 1303**, establishing the freedom of education act. (D. Hall, Graf 13: Education)
- HB 1304**, establishing a statutory committee to review and approve any motor vehicle license plate design. (Leber, Merr 1: Transportation)
- HB 1305-L**, exempting water withdrawals for normal agricultural operations from certain restrictions on water withdrawals. (K. Marshall, Merr 4; Melcher, Hills 11; McRae, Hills 7; Babson, Carr 5: Resources, Recreation and Development)

- HB 1306**, relative to boating on Sandogardy Pond in the town of Northfield. (St. Cyr, Merr 8; Lockwood, Merr 9; Virtue, Merr 9; Trombly, Dist 7: Resources, Recreation and Development)
- HB 1307**, relative to certification of food protection managers. (Stickney, Rock 26; Emerton, Hills 7; Wheeler, Dist 21: Executive Departments and Administration)
- HB 1308**, relative to nomination paper requirements. (Brewster, Merr 1: Election Law)
- HB 1309**, relative to wood-to-energy rate order buydowns. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Guay, Coos 6; Bergeron, Hills 32; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)
- HB 1310**, relative to the universal service fund. (Thomas, Belk 3; Bradley, Carr 8: Science, Technology and Energy)
- HB 1311**, relative to payment of employer contributions for unemployment compensation. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)
- HB 1312**, establishing a committee to study federal regulation of minority ownership of television, radio, and cable outlets. (Weatherspoon, Rock 20; L. Johnson, Hills 40: State-Federal Relations and Veterans Affairs)
- HB 1313-L**, relative to amending official ballot warrant articles. (Daniels, Hills 13; Quandt, Rock 20: Municipal and County Government)
- HB 1314**, relative to propane sales. (Lessard, Hills 23; Mock, Carr 3; K. Herman, Hills 13; R. Nowe, Rock 3; Krueger, Dist 16: Commerce)
- HB 1315**, relative to payout ratios of qualified charitable gift annuities. (T. Reardon, Merr 23: Commerce)
- HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. (Patten, Carr 9: Finance)
- HB 1317**, relative to rights of rental applicants. (Salatiello, Belk 2: Commerce)
- HB 1318**, requiring a waiting period before the retail price of home heating or motor vehicle fuel is increased in certain circumstances. (G. Brown, Straf 17; Peter Cote, Hills 32; Knowles, Straf 11: Commerce)
- HB 1319**, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study. (Dalrymple, Rock 26; Seldin, Merr 17; Chabot, Hills 48; Alger, Graf 9; Disnard, Dist 8; Krueger, Dist 16: Health, Human Services and Elderly Affairs)
- HB 1320**, establishing a committee to study the rights and duties of parents to educate their children. (D. Hall, Graf 13: Education)
- HB 1321**, relative to certain funds collected by order of the public utilities commission. (Bradley, Carr 8: Finance)
- HB 1322**, relative to the regulation of certain outdoor advertising devices. (N. Johnson, Straf 5; Brothers, Graf 6; M. Fuller Clark, Rock 36: Public Works and Highways)
- HB 1323**, relative to local public assistance to nonresidents. (Kenney, Carr 6: Health, Human Services and Elderly Affairs)
- HB 1324**, establishing a committee to study the junk yard licensing process. (Kenney, Carr 6: Transportation)
- HB 1325**, establishing a study committee to address smoking in motor vehicles. (Griffin, Rock 27; Patten, Carr 9; M. Nowe, Rock 4; R. Nowe, Rock 3; N. Wall, Hills 22: Health, Human Services and Elderly Affairs)
- HB 1326**, relative to managed care programs under workers' compensation. (M. Fuller Clark, Rock 36; Fraser, Dist 4: Labor, Industrial and Rehabilitative Services)
- HB 1327**, relative to residency of prisoners for purposes of voter registration. (Clegg, Hills 23: Election Law)
- HB 1328**, requiring that the rules of evidence shall apply in divorce proceedings. (Gilmore, Straf 11: Judiciary)
- HB 1329**, limiting the system benefits charge. (MacGillivray, Hills 21: Science, Technology and Energy)
- HB 1330**, relative to telephone special contracts. (MacGillivray, Hills 21; Norelli, Rock 31: Science, Technology and Energy)
- HB 1331**, relative to campaign contributions by corporations. (Buckley, Hills 44: Election Law)
- HB 1332**, relative to review of plats or applications submitted to local planning boards. (V. Clark, Rock 17: Municipal and County Government)



**HB 1333-L**, relative to the establishment of parenting plans. (Bickford, Straf 1: Children and Family Law)

**HB 1334-L**, relative to posting municipal roads. (Tholl, Coos 5: Public Works and Highways)

**HB 1335**, requiring hospitals to disclose certain information to the attorney general. (K. Herman, Hills 13; Francoeur, Rock 22; M. Fuller Clark, Rock 36: Commerce)

**HB 1336-L**, relative to posting of roads in municipalities. (Lyman, Carr 5: Public Works and Highways)

**HB 1337**, repealing the New Hampshire foundation for mental health. (Manning, Ches 9; Squires, Dist 12; Wheeler, Dist 21: Health, Human Services and Elderly Affairs)

**HB 1338**, increasing the membership of the American and Canadian French cultural exchange commission. (Hamel, Rock 10: Executive Departments and Administration)

**HB 1339-FN-L**, relative to the local option to exempt taxation of certain excavation activity. (Scanlan, Graf 11; Mirski, Graf 12: Finance)

**HB 1340-FN-L**, relative to dam construction permits. (Boyce, Belk 5; Dickinson, Carr 2; Czech, Belk 5: Resources, Recreation and Development)

**HB 1341-FN**, relative to direct access for certain types of development along highways. (Mirski, Graf 12: Public Works and Highways)

**HB 1342-FN**, relative to measurements of heavy metals and other compounds in sludge. (Owen, Merr 6: Environment and Agriculture)

**HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. (Robb-Theroux, Sull 9; Krueger, Dist 16: Environment and Agriculture)

**HB 1344-FN**, expanding the used oil program. (Musler, Straf 6: Environment and Agriculture)

**HB 1345-FN**, relative to the salary of licensed practical nurses employed by the state. (Asplund, Merr 13; Pilliod, Belk 3; Whittemore, Merr 13: Executive Departments and Administration)

**HB 1346-FN**, relative to certain acts of felonious sexual assault. (Christie, Rock 22; Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1347-FN**, relative to review of administrative rules by the legislature prior to adoption. (K. Herman, Hills 13: Executive Departments and Administration)

**HB 1348-FN-L**, exempting the town of Sunapee from the payment for water rights for the hydro-electric plant of the Sugar River in the town of Sunapee. (Leone, Sull 2; Jones, Sull 3: Resources, Recreation and Development)

**HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different polluters. (MacGillivray, Hills 21; Norelli, Rock 31: Science, Technology and Energy)

**HB 1350**, relative to interbasin and interstate transfers of water. (Royce, Ches 9: Resources, Recreation and Development)

**HB 1351-L**, relative to possession of firearms while intoxicated. (Robertson, Ches 18: Criminal Justice and Public Safety)

**HB 1352**, requiring that state funding for public television be used exclusively for the production of original programming. (Vaillancourt, Hills 44: Finance)

**HB 1353**, raising driver testing standards. (LaPorte, Hills 39: Transportation)

**HB 1354-FN**, indexing the rate of the motor fuel tax to changes in the value of the dollar. (MacGillivray, Hills 21: Public Works and Highways)

**HB 1355-FN-A**, authorizing funding for a hydrodynamic study of the Hampton/Seabrook harbor and estuarine system. (Leber, Merr 1; M. Whalley, Merr 5; Vaughn, Rock 35; Johnson, Dist 3; Fraser, Dist 4: Public Works and Highways)

**HB 1356-FN**, relative to sales tax exemption certificates for antique dealers. (Rollo, Straf 10; J. Wall, Straf 9: Finance)

**HB 1357-FN**, relative to the sale of state-owned property in the towns of Belmont and Laconia. (Bartlett, Belk 6; Thomas, Belk 3; Pilliod, Belk 3: Public Works and Highways)

**HB 1358**, prohibiting smoking in restaurants. (Pantelakos, Rock 30; J. Wood, Belk 7; C. Kane, Rock 32; Splaine, Rock 34; Cohen, Dist 24: Commerce)

**HB 1359**, limiting fees charged for use of electronic customer service terminals. (A. Pelletier, Straf 12; Lynde, Hills 24; Garrish, Hills 37; Fraser, Merr 21; Cloutier, Sull 8: Commerce)

**HB 1360**, prohibiting full-time judges from earning income from sources other than judicial salaries. (Mirski, Graf 12; Vaillancourt, Hills 44; D. Hall, Graf 13: Judiciary)



**HB 1361**, relative to ingredients in restaurant-prepared meals. (Lasky, Hills 33; Gorman, Hills 29; Dawe, Hills 33: Commerce)

**HB 1362-L**, relative to the reconsideration of cost apportionment within a cooperative school district. (Weare, Rock 21: Education)

**HB 1363**, relative to grandparents' visitation rights. (McRae, Hills 7; Young, Sull 6: Children and Family Law)

**HB 1364**, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. (Gile, Merr 16; Konys, Hills 33; D'Allesandro, Dist 20: Commerce)

**HB 1365**, relative to spending disclosures in political advertising. (Splaine, Rock 34; M. Fuller Clark, Rock 36: Election Law)

**HB 1366**, limiting civil liability of firearms manufacturers and dealers. (Kennedy, Merr 7: Judiciary)

**HB 1367-FN**, establishing a program of acting service awards to state employees who temporarily perform the duties of a higher level agency position. (Copenhaver, Graf 10: Executive Departments and Administration)

**HB 1368-FN**, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials. (Letourneau, Rock 13; Packard, Rock 29; Foster, Hills 10; Klemm, Dist 22; Larsen, Dist 15; Squires, Dist 12; Johnson, Dist 3: State-Federal Relations and Veterans Affairs)

**HB 1369-FN-L**, clarifying authority to regulate asbestos. (Musler, Straf 6: Environment and Agriculture)

**HB 1370**, allowing private investigators access to motor vehicle records for the purpose of conducting insurance fraud investigations. (Welch, Rock 18: Transportation)

**HB 1371**, relative to allocation and distribution of incentive funds for juvenile diversion and abuse and neglect prevention programs. (Lyman, Carr 5: Children and Family Law)

**HB 1372**, relative to open access over some cable facilities in public rights-of-way if used for 2-way telecommunications and if market share of certain users of those facilities is sufficiently large. (MacGillivray, Hills 21: Science, Technology and Energy)

**HB 1373**, relative to payments of first and second mortgage home loans. (Francoeur, Rock 22; T. Reardon, Merr 23; G. Marshall, Graf 2; Fernald, Dist 11; Fraser, Dist 4: Commerce)

**HB 1374**, extending the reporting date for the sex offender issues study committee. (Sargent, Hills 3; O'Keefe, Rock 21; W. McCarthy, Hills 41: Criminal Justice and Public Safety)

**HB 1375**, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds. (J. Phinizy, Sull 7; Tuthill, Sull 5; Gilmore, Straf 11; Mirski, Graf 12; Cohen, Dist 24: Science, Technology and Energy)

**HB 1376-L**, relative to the procedure for voting on the school administrative unit budget. (Alger, Graf 9; Hunter, Hills 7; Fenton, Hills 24; J. Phinizy, Sull 7; D. White, Hills 25; Roberge, Dist 9; Gordon, Dist 2: Education)

**HB 1377**, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. (Martel, Hills 45; Quandt, Rock 20, P. Katsakiores, Rock 13; Emerton, Hills 7; Donovan, Sull 11; Brown, Dist 17; Krueger, Dist 16; D'Allesandro, Dist 20: Commerce)

**HB 1378**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Splaine, Rock 34; M. Fuller Clark, Rock 36; R. Nowe, Rock 3; Cohen, Dist 24; Klemm, Dist 22; Hollingworth, Dist 23: Transportation)

**HB 1379**, establishing a long-term care council. (Garrish, Hills 37: Health, Human Services and Elderly Affairs)

**HB 1380-FN**, relative to compensation for time lost by state law enforcement officers injured in the line of duty. (Dyer, Hills 8; Langer, Merr 11: Executive Departments and Administration)

**HB 1381**, relative to the dissolution of the Pawtuckaway cooperative high school district. (Stone, Rock 7; Case, Rock 2; R. Hutchinson, Rock 8; M. Nowe, Rock 4; Brown, Dist 17; McCarley, Dist 6: Education)

**HB 1382-FN**, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1383**, relative to child support payments. (Arnold, Hills 20: Children and Family Law)

- HB 1384**, relative to consumer liability for charges made with a stolen credit or debit card. (Sapareto, Rock 13; Commerce)
- HB 1385**, relative to creating a crosswalk on a certain road. (Gilmore, Straf 11; Wheeler, Dist 21: Public Works and Highways)
- HB 1386**, designating segments of the Souhegan River as protected under the rivers management and protection program. (O'Connell, Hills 13; Dokmo, Hills 14; L'Heureux, Hills 18; Melcher, Hills 11; MacGillivray, Hills 21; Roberge, Dist 9; Fernald, Dist 11: Resources, Recreation and Development)
- HB 1387-L**, relative to pre-existing school districts within a cooperative school district. (Jacobson, Merr 2: Finance)
- HB 1388**, establishing a commission to study the statewide delivery of special education programs and services. (Kennedy, Merr 7: Education)
- HB 1389-L**, relative to the Nute High School and library trustees. (N. Johnson, Straf 5; McKinley, Straf 2; Johnson, Dist 3: Municipal and County Government)
- HB 1390**, establishing a committee to study environmental health. (French, Merr 3; I. Pratt, Ches 5; Pilliod, Belk 3; Emerton, Hills 7; Haettenschwiller, Hills 29; Wheeler, Dist 21; Squires, Dist 12; Hollingworth, Dist 23: Environment and Agriculture)
- HB 1391**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. (Harmon, Graf 8: Criminal Justice and Public Safety)
- HB 1392**, relative to the criminal offense of initiating a vehicular pursuit. (Harmon, Graf 8: Criminal Justice and Public Safety)
- HB 1393-L**, relative to teacher contract renewals and enforcement of teacher contracts. (Leber, Merr 1: Education)
- HB 1394**, requiring physicians to conduct examinations of the entire colon for certain patients. (Fenton, Hills 24: Health, Human Services & Elderly Affairs)
- HB 1395-FN-A-L**, establishing an advance disposal fee and establishing grants to fund municipal waste management programs and activities. (Musler, Straf 6; B. Hall, Hills 20; Owen, Merr 6: Environment and Agriculture)
- HB 1396**, relative to interest rates on credit cards. (Quandt, Rock 20; Mirski, Graf 12; Lynott, Ches 11; Brown, Dist 17: Commerce)
- HB 1397**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. (Torressen, Carr 10; Patten, Carr 9; Johnson, Dist 3: Municipal and County Government)
- HB 1398**, requiring disclosure of policy limits by insurers. (DiFruscia, Rock 27; Belanger, Rock 26; Bruno, Hills 4: Commerce)
- HB 1399-FN**, relative to the amount payable by the retirement system on account of qualified group II retirees of a political subdivision employer. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)
- HB 1401**, requiring manufactured housing sellers to provide a breakdown of purchasing costs. (Keans, Straf 16: Commerce)
- HB 1402-L**, relative to the transfer of excess medical reserve funds to the capital reserve fund. (J. Pratt, Ches 2; J. Phinizy, Sull 7; McGuirk, Ches 1; Batchelder, Ches 2; Disnard, Dist 8; Squires, Dist 12; D'Allesandro, Dist 20: Municipal and County Government)
- HB 1403**, relative to ownership of property appraisals. (Clegg, Hills 23: Commerce)
- HB 1404**, creating a study committee to address mechanisms for the disposal of state records. (Millham, Belk 4; Virtue, Merr 9: Executive Departments and Administration)
- HB 1405**, exempting 50/50 raffles from the laws regulating games of chance. (Scanlan, Graf 11; Weber, Graf 11; Picconi, Graf 14: Criminal Justice and Public Safety)
- HB 1406**, relative to transition service. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Guay, Coos 6; Gilmore, Straf 11; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)
- HB 1407**, establishing a committee to study the development of standards of conduct governing the reporting of cases of domestic violence by individuals in certain occupations and professions. (Gilman, Graf 1: Criminal Justice and Public Safety)
- HB 1408**, relative to appointment of non-attorneys as judges. (Robertson, Ches 18; Weare, Rock 21: Judiciary)
- HB 1409**, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern

passenger rail service line. (G. Katsakiores, Rock 13; Whittemore, Merr 13; R. Nowe, Rock 3; Dalrymple, Rock 26; Mosher, Hills 30; Russman, Dist 19; Klemm, Dist 22; Francoeur, Dist 14: Transportation)

**HB 1410**, relative to the joint health council. (Emerton, Hills 7; Squires, Dist 12: Health, Human Services and Elderly Affairs)

**HB 1411**, requiring credit reporting agencies to notify consumers prior to changing certain information in their files. (Bruno, Hills 4: Commerce)

**HB 1412**, relative to electric customer-generators. (Gilmore, Straf 11; Lynde, Hills 24; Guay, Coos 6; D. White, Hills 25: Science, Technology and Energy)

**HB 1413**, relative to the rights of ownership of cemetery plots or burial spaces. (Patten, Carr 9; Knowles, Straf 11; MacNeil, Graf 7; Trombly, Dist 7; Gordon, Dist 2; Brown, Dist 17; Francoeur, Dist 14: Municipal and County Government)

**HB 1414**, authorizing the department of environmental services to discuss with other northeastern states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, and extending the reporting date of the committee to study the requirements for usage of MTBE. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Maxfield, Merr 9; M. Downing, Rock 26; Wheeler, Dist 21; Below, Dist 5; Johnson, Dist 3: Science, Technology and Energy)

**HB 1415-FN**, relative to the classification of certain personnel of the department of corrections. (Dyer, Hills 8: Executive Departments and Administration)

**HB 1416-FN**, establishing a brownfields cleanup revolving loan fund. (Musler, Straf 6: Environment and Agriculture)

**HB 1417-FN-A-L**, setting priorities for the disposal of certain components of the solid waste stream. (Musler, Straf 6; Owen, Merr 6: Environment and Agriculture)

**HB 1418-FN-L**, relative to mercury-containing products. (Musler, Straf 6; B. Hall, Hills 20; Lynde, Hills 24; Cobb, Graf 5; Tuthill, Sull 5; Wheeler, Dist 21; Below, Dist 5: Environment and Agriculture)

**HB 1419-FN**, allowing teachers to purchase credit in the retirement system for certain service in an armed conflict. (Brennan, Straf 16; Twardus, Straf 13: Executive Departments and Administration)

**HB 1420-FN-L**, relative to the port in the city of Portsmouth, New Hampshire. (Pantelakos, Rock 30; C. Kane, Rock 32; Splaine, Rock 34: Public Works and Highways)

**HB 1421-L**, relative to assessment of the land use change tax. (Gilmore, Straf 11; Wheeler, Dist 21: Municipal and County Government)

**HB 1422-FN**, relative to the composition of and procedures for the appellate board of the department of employment security. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)

**HB 1423-L**, relative to regulation of junk yards. (Musler, Straf 6: Environment and Agriculture)

**HB 1424**, relative to reevaluation of a person's competency to stand trial. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1425-L**, relative to driveway permits. (Boyce, Belk 5: Municipal and County Government)

**HB 1426**, establishing an appeals board to review decisions of the health services planning and review board. (Quandt, Rock 20; Beaulieu, Rock 11; Weyler, Rock 18; Martel, Hills 45: Health, Human Services & Elderly Affairs)

**HB 1427**, relative to the calculation of the days of school in the school year. (A. Pelletier, Straf 12; Larrabee, Merr 9; J. Wall, Straf 9; Spear, Straf 3; McKinley, Straf 2; McCarley, Dist 6; Wheeler, Dist 21: Education)

**HB 1428**, relative to the insurance consumer's bill of rights. (DiFruscia, Rock 27; Belanger, Rock 26; Keye, Hills 30; Bruno, Hills 4: Commerce)

**HB 1429**, relative to requirements for personnel employed in state corrections facilities which are operated by private entities. (Dwyer, Hills 43: Criminal Justice and Public Safety)

**HB 1430**, establishing a committee to study the circumstances and investigations of the deaths of Janet and Steven Dow. (Wiggins, Sull 4; J. Pratt, Ches 2; Robertson, Ches 18; L. Jean, Hills 17; Disnard, Dist 8; Brown, Dist 17; Krueger, Dist 16: Criminal Justice and Public Safety)

**HB 1431**, relative to protective orders in domestic violence cases. (Bickford, Straf 1; J. Wall, Straf 9: Criminal Justice and Public Safety)

**HB 1432**, prohibiting active law enforcement personnel from obtaining a license to sell confiscated or seized firearms and ammunition. (Fenton, Hills 24; Hunter, Hills 7: Criminal Justice and Public Safety)

**HB 1433**, relative to notice to abutters by the department of transportation of proposed construction projects. (Alger, Graf 9; Gordon, Dist 2: Public Works and Highways)



- HB 1434**, relative to processing applications under the medicaid waiver. (Copenhaver, Graf 10; Seldin, Merr 17; Chabot, Hills 48; Wheeler, Dist 21: Finance)
- HB 1435**, establishing a committee to study electronic media and the right-to-know law. (Patten, Carr 9; Emerton, Hills 7; M. Fuller Clark, Rock 36; Copenhaver, Graf 10; F. King, Dist 1; Johnson, Dist 3; Disnard, Dist 8: Judiciary)
- HB 1436-FN-A**, reducing the temporary rate of the communications services tax. (Young, Sull 6: Finance)
- HB 1437-FN**, relative to ayurvedic health care practice. (R. Nowe, Rock 3; Robb-Theroux, Sull 9; Krueger, Dist 16; Wheeler, Dist 21: Executive Departments and Administration)
- HB 1438-FN**, relative to transportation of children for involuntary emergency admissions. (C. Moore, Merr 19; Arnold, Hills 20; Gordon, Dist 2: Judiciary)
- HB 1439-FN**, relative to operation of a motor vehicle under a learner's permit. (Harmon, Graf 8: Transportation)
- HB 1440-FN-A**, taxing the cost of advertising under the meals and rooms tax. (Vaillancourt, Hills 44: Finance)
- HB 1441-FN-A-L**, relative to establishing a pilot welfare-to-work program in rural communities and making an appropriation therefor. (Hansen, Hills 2; French, Merr 3; Rodd, Merr 3; R. Herman, Hills 1; Trombly, Dist 7: Health, Human Services and Elderly Affairs)
- HB 1442-FN-A**, increasing the exemption to the interest and dividends tax for persons 65 years of age or older. (Young, Sull 6: Finance)
- HB 1443-FN**, requiring a hearing prior to issuance of statement of findings on the suspension, revocation, or denial of a daycare provider's license. (Patricia Cote, Rock 9; Beaulieu, Rock 11: Children and Family Law)
- HB 1444**, relative to certain municipal ordinances. (A. Pelletier, Straf 12; Richardson, Ches 12; Pilliod, Belk 3; Dalrymple, Rock 26; Squires, Dist 12; Wheeler, Dist 21: Municipal and County Government)
- HB 1445**, establishing a study committee to examine replacement of the current administrative office of the courts with an independent administrative office of the courts. (Mirski, Graf 12; Vaillancourt, Hills 44: Judiciary)
- HB 1446-FN**, establishing a citizens' investment trust account. (Marple, Merr 11: Finance)
- HB 1447**, establishing a legislative oversight committee on judicial conduct. (Mirski, Graf 12; Vaillancourt, Hills 44: Legislative Administration)
- HB 1448**, relative to the partition of real property. (Rosen, Belk 7; Salatiello, Belk 2: Judiciary)
- HB 1449**, relative to the cost of any and all tests conducted pursuant to DWI convictions. (Kennedy, Merr 7: Criminal Justice and Public Safety)
- HB 1450-FN**, relative to the adoption of the fair pay act. (Garrish, Hills 37: Labor, Industrial and Rehabilitative Services)
- HB 1451**, establishing a committee to study the concept of a Northeastern regional compact on matters of interstate commerce. (Dickinson, Carr 2; Avery, Ches 8; K. Herman, Hills 13; Belanger, Rock 26; F. King, Dist 1: Commerce)
- HB 1452**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities. (Dickinson, Carr 2; Welch, Rock 18; F. King, Dist 1; Johnson, Dist 3: Legislative Administration)
- HB 1453**, relative to the grant of power over applications before a planning board. (Mirski, Graf 12: Municipal and County Government)
- HB 1454**, relative to restrictions of persons possessing any fish and game license. (Mirski, Graf 12: Wildlife and Marine Resources)
- HB 1455**, relative to residency requirements for persons over 68 possessing a special complimentary license to hunt, fish, or trap. (L'Heureux, Hills 18; Brothers, Graf 6; R. Nowe, Rock 3; Carlson, Hills 19; Langer, Merr 11: Wildlife and Marine Resources)
- HB 1456**, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment. (Brothers, Graf 6: Commerce)
- HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (McGough, Hills 18: Commerce)
- HB 1458**, relative to the wearing of motorcycle protective headgear. (Copenhaver, Graf 10; Brothers, Graf 6; Squires, Dist 12: Transportation)

- HB 1459**, requiring the state police to record and update information relative to the charge of non-support. (Welch, Rock 18; Tholl, Coos 5; Knowles, Straf 11: Children and Family Law)
- HB 1460**, making the playing of an individual's car stereo in excess of 50 decibels disorderly conduct. (Dalianis, Hills 35: Criminal Justice and Public Safety)
- HB 1461-FN-A-L**, relative to an education property tax exemption and school choice. (Torressen, Carr 10; Mirski, Graf 12; Gilman, Graf 1; Boyce, Belk 5: Finance)
- HB 1462**, extending the report date of the committee to study methods to promote the use of renewable energy sources. (Guay, Coos 6; Gilmore, Straf 11; Lynde, Hills 24; D. White, Hills 25; Thomas, Belk 3; Below, Dist 5; Cohen, Dist 24: Science, Technology and Energy)
- HB 1463**, making technical corrections related to the mental health system and guardianship hearings. (Case, Rock 2; Manning, Ches 9: Children and Family Law)
- HB 1464**, relative to the licensing process for new health care facility construction. (Batula, Hills 18; Wendelboe, Belk 2; Donovan, Sull 11; Martel, Hills 45; Haettenschwiller, Hills 29; D'Allesandro, Dist 20; Roberge, Dist 9; Squires, Dist 12; Johnson, Dist 3: Health, Human Services and Elderly Affairs)
- HB 1465**, extending the reporting date of the committee to study the non-group health insurance market. (Francoeur, Rock 22; Dalianis, Hills 35; J. King, Dist 18; Francoeur, Dist 14; McCarley, Dist 6: Commerce)
- HB 1466**, relative to disclosure by banks, trust companies, guaranty savings banks, mutual savings banks, savings and loan associations, building and loan associations, and cooperative banks under the supervision of the bank commissioner, of consumer rights and remedies. (DiFruscia, Rock 27; Belanger, Rock 26; Bruno, Hills 4; Keye, Hills 30: Commerce)
- HB 1467-FN**, relative to the licensing of mail-order pharmacies. (Copenhaver, Graf 10: Executive Departments and Administration)
- HB 1468-FN**, relative to the registration of pharmacy technicians. (Copenhaver, Graf 10; Haettenschwiller, Hills 29; Taylor, Straf 11: Executive Departments and Administration)
- HB 1469**, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency. (Gilman, Graf 1; Varrell, Rock 9: Children and Family Law)
- HB 1470**, relative to divestiture of electric utility assets. (Gilmore, Straf 11; Howard, Carr 10; Guay, Coos 6; D. White, Hills 25; Bradley, Carr 8; Cohen, Dist 24; Hollingworth, Dist 23: Science, Technology and Energy)
- HB 1471**, repealing the department of employment security's power to approve building projects without legislative oversight. (Cloutier, Sull 8; Chandler, Carr 1; Burling, Sull 1; DeChane, Straf 6; Calawa, Hills 17; Disnard, Dist 8; Johnson, Dist 3; Gordon, Dist 2: Public Works and Highways)
- HB 1472-FN-A**, allowing the deduction of trust expenses from trust income taxable under the interest and dividends tax. (Weyler, Rock 18: Finance)
- HB 1473-FN**, relative to the payment of certain costs to contract service providers or vendors for pending claims by the department of health and human services. (Dickinson, Carr 2; Mirski, Graf 12; F. King, Dist 1: Finance)
- HB 1474-FN**, establishing a "no sales solicitation calls" list. (Lockwood, Merr 9; Estabrook, Straf 8; A. Pelletier, Straf 12; Grant, Rock 17; Kurk, Hills 5; Roberge, Dist 9; Larsen, Dist 15: Commerce)
- HB 1475-FN**, relative to the applicable minimum wage for hourly employees. (Keans, Straf 16; Seldin, Merr 17; Potter, Merr 24; Mears, Coos 7; J. Kelley, Rock 22; Trombly, Dist 7; Disnard, Dist 8: Labor, Industrial and Rehabilitative Services)
- HB 1476**, expanding the notification process for victims of crime. (Pepino, Hills 40; Knowles, Straf 11: Criminal Justice and Public Safety)
- HB 1477-FN-L**, relative to notification of public proceedings. (Owen, Merr 6: Judiciary)
- HB 1478-FN-A**, establishing matching funds for certain candidates. (Hinman, Graf 7; Wendelboe, Belk 2; Mirski, Graf 12; Alger, Graf 9; Sapareto, Rock 13; Johnson, Dist 3: Election Law)
- HB 1479-FN-L**, relative to boat fees. (MacGillivray, Hills 21: Resources, Recreation and Development)
- HB 1480**, making consent a defense under the sexual assault laws. (Soltani, Merr 10: Criminal Justice and Public Safety)
- HB 1481**, requiring managed care organizations to offer prescription drug plans. (Lynott, Ches 11: Commerce)
- HB 1482**, relative to funding of municipal projects. (Soltani, Merr 10: Municipal and County Government)

**HB 1483**, permitting owners to choose certain health care providers for their animals. (Weatherspoon, Rock 20; Virtue, Merr 9; J. Phinizy, Sull 7; McQuirk, Ches 1; M. Fuller Clark, Rock 36; Hollingworth, Dist 23: Environment and Agriculture)

**HB 1484-FN-A-L**, establishing a 5 percent tax on gambling winnings as a source of funding public education. (Clemons, Hills 31; Franks, Hills 26, D. Cote, Hills 29; Dawe, Hills 33; Trombly, Dist 7: Finance)

**HB 1485-FN**, relative to a certain toll booth and establishing a committee to study road tolls along the state's highways. (Lozeau, Hills 30; Calawa, Hills 17; Konys, Hills 33; LaRose, Hills 27; Clegg, Hills 23; Squires, Dist 12; Pignatelli, Dist 13: Public Works and Highways)

**HB 1486-FN**, making the penalty for the offense of official oppression a felony and creating a civil cause of action against public officials for abuse of office or improper influence. (Marple, Merr 11; D. White, Hills 25; Christiansen, Hills 23; Gilman, Graf 1; Mosher, Hills 30; D. Hall; Graf 13; Roberge, Dist 9: Judiciary)

**HB 1487-FN-L**, reducing the interest rate on delinquent property tax payments and subsequent tax payments. (Marple, Merr 11; Vaillancourt, Hills 44: Municipal and County Government)

**HB 1488-FN**, relative to witness fees for court attendance in criminal cases. (Cloutier, Sull 8; Wiggins, Sull 4; McIntyre, Sull 11; Leone, Sull 2: Judiciary)

**HB 1489-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 8; Flint, Sull 4; Allison, Sull 10; Donovan, Sull 11; Disnard, Dist 8: Public Works and Highways)

**HB 1490-L**, relative to enabling municipalities to enact a sales tax. (Sullivan, Carr 2: Finance)

**HB 1491-FN**, granting an adjustment to the business enterprise tax paid by transportation companies that contract for the transportation of public school pupils. (Weyler, Rock 18; Russman, Dist 19: Finance)

**HB 1492-FN**, relative to clarifying the state's stalking statute. (Knowles, Straf 11; Rodd, Merr 3: Criminal Justice and Public Safety)

**HB 1493-FN**, increasing minimum prison terms for felons. (Pepino, Hills 40: Criminal Justice and Public Safety)

**HB 1494-FN**, establishing a penalty for attempt to purchase a firearm illegally. (Pepino, Hills 40; Welch, Rock 18; Hunter, Hills 7; Knowles, Straf 11; Flora, Hills 15; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

**HB 1495-FN-L**, requiring local political subdivisions to submit to annual audits by independent certified public accountants. (Packard, Rock 29: Municipal and County Government)

**HB 1496-FN**, relative to joint negotiations by physicians with health benefit plans. (Asplund, Merr 13; Pilliod, Belk 3: Commerce)

**HB 1497-FN-L**, granting female prisoners in-state access to the same type of rehabilitation programs available to male prisoners. (Asplund, Merr 13; Pilliod, Belk 3; Whittemore, Merr 13: Criminal Justice and Public Safety)

**HB 1498**, establishing a committee to study child support and parental involvement issues. (Bickford, Straf 1; Robb-Theroux, Sull 9; Gilmore, Straf 11; Pantelakos, Rock 30: Children and Family Law)

**HB 1499**, relative to credit for American sign language and transliteration as a foreign language. (Gilman, Graf 1; Quandt, Rock 20; D. Hall, Graf 13; Williams, Hills 39; Brown, Dist 17; Krueger, Dist 16: Education)

**HB 1501**, relative to public notice of all administrative rulemaking meetings. (Lyman, Carr 5; Dickinson, Carr 2; Virtue, Merr 9: Executive Departments and Administration)

**HB 1502**, establishing a committee to study procedures following lead paint abatement. (D. Hall, Graf 13: Health, Human Services and Elderly Affairs)

**HB 1503**, establishing a study committee to review the state's current parole and probation procedures. (Burnham, Ches 8; Knowles, Straf 11; Mitchell, Ches 3; Sargent, Hills 3; Peterson, Hills 8; Gordon, Dist 2; Wheeler, Dist 21; Cohen, Dist 24; Squires, Dist 12: Criminal Justice and Public Safety)

**HB 1504**, relative to submission of biennial budget estimates by agencies. (Kurk, Hills 5: Finance)

**HB 1505-FN-L**, relative to the formula for distributing school building aid. (McKinley, Straf 2; Letourneau, Rock 13; A. Pelletier, Straf 12; Ward, Graf 1: Education)

**HB 1506**, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)



**HB 1507**, establishing a committee to investigate allegations against supreme court justice Thayer regarding unreported and underreported income. (Mirski, Graf 12; Vaillancourt, Hills 44: Judiciary)

**HB 1508-FN**, directing the attorney general to apply to the supreme court to convene a grand jury to investigate health care and insurance issues and practices. (Quandt, Rock 20; Beaulieu, Rock 11; Martel, Hills 45: Judiciary)

**HB 1509-FN-L**, repealing RSA 541-A and creating a study committee to review rules which must be codified as a result. (Marple, Merr 11; Bruno, Hills 4; D. White, Hills 25; Quandt, Rock 20; Alger, Graf 9; D. Hall, Graf 13: Executive Departments and Administration)

**HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits. (Wendelboe, Belk 2; Hinman, Graf 7: Executive Departments and Administration)

**HB 1511-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Brothers, Graf 6; D. Ouellette, Hills 42; P. Woods, Straf 11; Torressen, Carr 10; McDonald, Hills 41; Ruffner, Rock 25; Roberge, Dist 9: Judiciary)

**HB 1512-FN**, allowing persons leaving employment under the federal family and medical leave act to be eligible for unemployment benefits. (Gile, Merr 16; Keans, Straf 16; Mears, Coos 7; Garrish, Hills 37; Wheeler, Dist 21: Labor, Industrial and Rehabilitative Services)

**HB 1513-FN**, relative to a fine for a youth operating a motor vehicle without an adult present. (H. Harmon, Graf 8: Transportation)

**HB 1514-FN-L**, requiring a death record for an aborted fetus. (Gilman, Graf 1: Health, Human Services and Elderly Affairs)

**HB 1515-FN-A-L**, increasing the rate of the meals and rooms tax. (Bickford, Straf 1: Finance)

**HB 1516-FN**, relative to prosecutorial conduct. (Vaillancourt, Hills 44: Criminal Justice and Public Safety)

**HB 1517-FN**, memorializing the New Hampshire bill of rights as the law of the land. (D. Hall, Graf 13: Judiciary)

**HB 1518-FN**, relative to in pro pria persona and pro se litigants. (D. Hall, Graf 13: Judiciary)

**HB 1519**, relative to diversity training for law enforcement and educational personnel. (Buckley, Hills 44; Williams, Hills 39; Keye, Hills 30; Konys, Hills 33; M. Fuller Clark, Rock 36; Trombly, Dist 7; Wheeler, Dist 21; Cohen, Dist 24; D'Allesandro, Dist 20: Labor, Industrial and Rehabilitative Services)

**HB 1520-FN**, relative to criminal neglect of elderly, disabled, or incapacitated persons. (P. Katsakiores, Rock 13; Francoeur, Rock 22; Dalrymple, Rock 26; Martel, Hills 45; M. Downing, Rock 26; Griffin, Rock 27; D'Allesandro, Dist 20; Krueger, Dist 16: Criminal Justice and Public Safety)

**HB 1521-FN-L**, relative to the definition and administration of an adequate education. (O'Hearn, Hills 26; Estabrook, Straf 8: Education)

**HB 1522-L**, relative to posting warrants in languages other than English and in large-print format. (Weatherspoon, Rock 20; L. Johnson, Hills 40; Konys, Hills 33: Municipal and County Government)

**HB 1523**, relative to landlord-tenant obligations. (Craig, Hills 38: Judiciary)

**HB 1524**, requiring all retail suppliers of electricity to disclose information regarding the environmental characteristics of the electric power in their resource mix, and establishing a committee to determine optimal ways to ensure that all electricity sold in New Hampshire conforms with acceptable environmental standards. (Lynde, Hills 24; Gilmore, Straf 11; Below, Dist 5: Science, Technology and Energy)

**HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board. (Batula, Hills 18; Wendelboe, Belk 2; Donovan, Sull 11; Haettenschwiller, Hills 29; M. Fuller Clark, Rock 36; D'Allesandro, Dist 20; Roberge, Dist 9; Squires, Dist 12; Johnson, Dist 3: Health, Human Services & Elderly Affairs)

**HB 1526-FN**, relative to campaign contributions and expenditures. (Horton, Coos 3; Splaine, Rock 34; Flanagan, Rock 14; F. Davis, Merr 12; Curran, Hills 9; Larsen, Dist 15; Trombly, Dist 7; Below, Dist 5: Election Law)

**HB 1527**, relative to false statements about candidates. (Pepino, Hills 40; Hunter, Hills 7; Vaillancourt, Hills 44; Buckley, Hills 44: Election Law)

**HB 1528**, establishing a commission relative to the New Hampshire International Speedway. (Pepino, Hills 40; Maxfield, Merr 9; Larrabee, Merr 9: Public Works and Highways)

**HB 1529-FN**, establishing criminal penalties for aggressive driving (road rage). (Pepino, Hills 40; Hunter, Hills 7; Welch, Rock 18: Criminal Justice and Public Safety)

**HB 1530**, relative to the reporting requirement for criminal offenders. (Lovejoy, Rock 12; Sargent, Hills 3; Sabella, Rock 13: Criminal Justice and Public Safety)

**HB 1531**, relative to the preemption of local regulations of firearms. (L. Jean, Hills 17; Knowles, Straf 11; Lyman, Carr 5; Johnson, Dist 3: Criminal Justice and Public Safety)

**HB 1532**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. (Rosen, Belk 7; Griffin, Rock 27; R. Nowe, Rock 3; N. Wall, Hills 22: Finance)

**HB 1533**, relative to the child protection act. (D. Hall, Graf 13: Children and Family Law)

**HB 1534**, relative to availability of funds on cash and checks deposited. (Leishman, Hills 13; Foster, Hills 10: Commerce)

**HB 1535-FN**, establishing an appellate division of the courts. (L. Jean, Hills 17; J. Pratt, Ches 2; Soltani, Merr 10; Keye, Hills 30: Judiciary)

**HB 1536-FN**, requiring parental notification for certain offenses involving minors. (Robertson, Ches 18: Criminal Justice and Public Safety)

**HB 1537-FN**, increasing the fees charged by sheriffs for service of legal process. (Thulander, Hills 6; Hunter, Hills 7: Judiciary)

**HB 1538-FN**, relative to coverage of treatment for periodontal disease for adults on medicare or medicaid. (Leonard, Hills 39; Dickinson, Carr 2: Health, Human Services and Elderly Affairs)

**HB 1539-FN-L**, returning to group II of the New Hampshire retirement system all full-time emergency communicators and full-time emergency-911 telecommunicators who staff offices which are part of the 24-hour public safety network. (Rose, Ches 13; MacNeil, Graf 7; Doucette, Ches 19; J. Phinizy, Sull 7; Young, Sull 6; Robb-Theroux, Sull 9: Executive Departments and Administration)

**HB 1540-FN**, prohibiting certain transfers of information. (Quandt, Rock 20; Beaulieu, Rock 11; Brown, Dist 17: Commerce)

**HB 1541-FN-L**, relative to the cremation of deceased persons. (Boyce, Belk 5; Czech, Belk 5; Bartlett, Belk 6: Municipal and County Government)

**HB 1542-FN-L**, establishing a parents bill of rights. (Boyce, Belk 5: Children and Family Law)

**HB 1543-FN-L**, repealing the laws on the collection and enforcement of property taxes. (Marple, Merr 11: Municipal and County Government)

**HB 1544-FN**, prohibiting the wearing of certain masks and hoods. (Rollo, Straf 10; Keye, Hills 30; Gilmore, Straf 11; Young, Sull 6: Criminal Justice and Public Safety)

**HB 1545-FN-A**, relative to the sale of furniture and bedding. (Mosher, Hills 30: Commerce)

**HB 1546-FN-A-L**, establishing a New Hampshire education tax on consumption as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. (Peterson, Hills 8; Scanlan, Graf 11; Dokmo, Hills 14; Bergin, Hills 16; J. Pratt, Ches 2: Finance)

**HB 1547-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 1; Keans, Straf 16; Allison, Sull 10; J. Brown, Straf 17; Richardson, Ches 12; Gile, Merr 16: Children and Family Law)

**HB 1548-FN**, abolishing the death penalty. (Splaine, Rock 34; L. Jean, Hills 17; Weatherspoon, Rock 20; Pitts, Rock 35; Shultis, Rock 33; Cohen, Dist 24: Criminal Justice and Public Safety)

**HB 1549-FN**, relative to cost of living adjustments for certain retired members of the New Hampshire retirement system. (Dyer, Hills 8: Executive Departments and Administration)

**HB 1550-FN**, establishing a bureau of tax law in the department of justice and transferring department of revenue administration hearing officers to the bureau. (Mirski, Graf 12: Executive Departments and Administration)

**HB 1551-FN**, relative to legislative access to agency information. (Kennedy, Merr 7; Gilmore, Straf 11: Judiciary)

**HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. (Thomas, Belk 3: Science, Technology and Energy)

**HB 1553-FN-L**, relative to the construction and renovation of covered bridges. (Mirski, Graf 12: Public Works and Highways)

**HB 1554-FN**, prohibiting knowingly remaining in a place where alcoholic beverages or controlled drugs are unlawfully possessed. (Stone, Rock 7; Christie, Rock 22: Criminal Justice and Public Safety)



**HB 1555-FN-L**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville and requiring the department of transportation to convey a certain parcel of land to the town of Harrisville. (Riley, Ches 7; Burnham, Ches 8; Avery, Ches 8; Fernald, Dist 11: Public Works and Highways)

**HB 1556-FN-A**, establishing a tax on the retail sale of fireworks and making appropriations to the division of fire standards and training. (Hunter, Hills 7; Welch, Rock 18; Dyer, Hills 8: Criminal Justice and Public Safety)

**HB 1557-FN-A**, increasing the cigarette tax. (Buckley, Hills 44; Pilliod, Belk 3; Konys, Hills 33; M. Fuller Clark, Rock 36; D. Cote, Hills 29: Finance)

**HB 1558-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Leishman, Hills 13: Executive Departments and Administration)

**HB 1559-FN**, establishing the division of ports and harbors within the department of transportation and transferring all functions, powers, and duties of the New Hampshire state port authority. (Leber, Merr 1; Calawa, Hills 17; McCarty, Hills 38; Cloutier, Sull 8; Morse, Rock 28: Executive Departments and Administration)

**HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Welch, Rock 18; Weare, Rock 21: Executive Departments and Administration)

**HB 1561-FN**, relative to benefits payable upon a group II retirement system member's death after retirement. (Weare, Rock 21: Executive Departments and Administration)

**HB 1562-FN**, establishing criminal penalties for violations of orders of protection under the child protection act. (Knowles, Straf 11: Children and Family Law)

**HB 1563-FN-L**, establishing the Wolfeboro Airport Authority. (Bradley, Carr 8: Municipal and County Government)

**HB 1564-FN**, relative to the placement of certain signs. (Salatiello, Belk 2: Public Works and Highways)

**HB 1565-FN**, relative to defining certain forms of psychological injury in the child protection act. (I. Pratt, Ches 5; J. Brown, Straf 17; C. Moore, Merr 19; Richardson, Ches 12; Pilliod, Belk 3; Pignatelli, Dist 13; Wheeler, Dist 21: Children and Family Law)

**HB 1566-FN**, relative to perambulation between states. (E. Smith, Ches 6: Public Works and Highways)

**HB 1567-FN**, extending medical and surgical benefits to domestic partners. (M. Fuller Clark, Rock 36; Larsen, Dist 15: Commerce)

**HB 1568-FN**, relative to disability retirement benefits for group II members injured in the performance of duty. (M. Fuller Clark, Rock 36; Virtue, Merr 9; Fraser, Dist 4; D'Allesandro, Dist 20: Executive Departments and Administration)

**HB 1569-FN**, relative to contamination of state water resources and the health and environmental effects of certain gasoline components. (Martin, Hills 34; Spang, Straf 8; French, Merr 3; Wheeler, Dist 21: Science, Technology and Energy)

**HB 1570-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. (Knowles, Straf 11: Criminal Justice and Public Safety)

**HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections. (Lozeau, Hills 30: Judiciary)

**HB 1572-FN-A-L**, repealing the education trust fund, the sources of funding for the education trust fund, and the procedures for funding state aid for educational adequacy. (Mirski, Graf 12: Finance)

**HB 1573-FN**, relative to funding of the salary of the director of emergency medical services. (Dyer, Hills 8; Welch, Rock 18; Weare, Rock 21: Finance)

**HB 1574-FN**, relative to a living wage act which establishes a living wage requirement for state contracts and awards and state employees, and establishing a study committee on living wage and family economic security. (Garrish, Hills 37; Burling, Sull 1; Mears, Coos 7; Wheeler, Dist 21: Executive Departments and Administration)

**HB 1575-FN**, relative to the licensure of interpreters for the deaf. (Burnham, Ches 8; Copenhaver, Graf 10: Executive Departments and Administration)

**HB 1576-FN-A**, abolishing ramp tolls along state highways and increasing the gasoline tax. (L'Heureux, Hills 18; McGuirk, Ches 1; Milligan, Hills 18; Arthur, Hills 18; Wheeler, Dist 21; Krueger, Dist 16: Public Works and Highways)

**HB 1577-FN**, revising the indoor smoking act. (A. Pelletier, Straf 12; Richardson, Ches 12; Pilliod, Belk 3; Dalrymple, Rock 26; Squires, Dist 12; Wheeler, Dist 21: Commerce)

**HB 1578-FN-A**, relative to the joint promotional program and making an appropriation therefor. (Avery, Ches 8; M. Fuller Clark, Rock 36; Dickinson, Carr 2; Johnson, Dist 3; Hollingworth, Dist 23: Finance)

**HB 1579-FN**, establishing a penalty for a third violation of the youth tobacco laws. (Avery, Ches 8; Flora, Hills 15; Dalrymple, Rock 26; Richardson, Ches 12; Squires, Dist 12; Larsen, Dist 15: Commerce)

**HB 1580-FN-A-L**, allowing businesses to apply the investment tax credit to contributions made to public schools, charter schools, and scholarship funding organizations. (Alger, Graf 9; O'Hearn, Hills 26; Hunt, Ches 10; Kurk, Hills 5; N. Wall, Hills 22; Roberge, Dist 9; Gordon, Dist 2; Johnson, Dist 3; Brown, Dist 17; Krueger, Dist 16: Finance)

**HB 1581**, making optional the laws relative to energy conservation in new building construction. (Mock, Carr 3; Chandler, Carr 1; Dickinson, Carr 2; Sullivan, Carr 2; Johnson, Dist 3: Municipal and County Government)

**HB 1582**, establishing a committee to study family friendly employment and workplace policies and to determine effects on families and employers. (Gile, Merr 16; Pilliod, Belk 3; Estabrook, Straf 8; Larsen, Dist 15: Labor, Industrial and Rehabilitative Services)

**HB 1583**, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. (D. White, Hills 25: Executive Departments and Administration)

**HB 1584-FN**, relative to the licensing and regulation of child day care agencies. (Patricia Cote, Rock 9: Executive Departments and Administration)

**HB 1585**, relative to staffing ratios in long term care facilities in the state. (Garrish, Hills 37: Health, Human Services and Elderly Affairs)

**HB 1586-FN-A-L**, relative to public highway safety grants and making an appropriation therefor. (Chandler, Carr 1; Francoeur, Rock 22; Bradley, Carr 8: Finance)

**HB 1587-FN**, relative to payment of health insurance costs for certain child day care agencies. (Wallner, Merr 24; Hollingworth, Dist 23; Larsen, Dist 15: Commerce)

**HB 1588**, relative to the authority of the department of transportation regarding rail safety inspections. (G. Katsakiores, Rock 13; Whittemore, Merr 13; Mosher, Hills 30; R. Nowe, Rock 3; Peter Cote, Hills 32; Russman, Dist 19; Klemm, Dist 22; Francoeur, Dist 14: Transportation)

**HB 1589**, prohibiting the use of genetic testing for certain insurance policies. (Kurk, Hills 5: Commerce)

**HB 1590**, relative to prohibiting a zoning ordinance from a residential preexisting nonconforming property owner's ability to rebuild after a fire loss. (Martel, Hills 45; Quandt, Rock 20; Gilman, Graf 1; Pappas, Hills 47; Beaulieu, Rock 11: Municipal and County Government)

**HB 1591-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. (Sapareto, Rock 13; Hinman, Graf 7; Fraser, Dist 4; Brown, Dist 17; Klemm, Dist 22: Executive Departments and Administration)

**HB 1592**, relative to the display of the United States flag. (Marple, Merr 11; D. Hall, Graf 13; Rose, Ches 13; Welch, Rock 18; Mirski, Graf 12: Executive Departments and Administration)

**HB 1593-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected and establishing the local option of a 4 percent rooms tax. (Vaillancourt, Hills 44: Finance)

**HB 1594-FN**, relative to the allocation of moneys in the tobacco use prevention fund. (Flora, Hills 15; Lozeau, Hills 30; Nordgren, Graf 10; Emerton, Hills 7; Akins, Graf 14; Pilliod, Belk 3; Dalrymple, Rock 26; Richardson, Ches 12; Avery, Ches 8; Squires, Dist 12; Larsen, Dist 15; Disnard, Dist 8; Fernald, Dist 11; Russman, Dist 19: Health, Human Services and Elderly Affairs)

**HB 1595-FN**, establishing a committee to study issues relating to foster parenting and establishing a transitional housing pilot program for certain children living in foster care. (Young, Sull 6: Children and Family Law)

**HB 1596**, establishing a committee to study deadlines for the completion of work in the legislative process. (Sullivan, Carr 2; Dickinson, Carr 2; Johnson, Dist 3: Legislative Administration)

**HB 1597**, relative to passage of fiscal note bills which do not contain an accompanying fiscal analysis. (Sullivan, Carr 2; Johnson, Dist 3: Legislative Administration)

- HB 1598-L**, relative to fluoride in drinking water. (Richardson, Ches 12; Bradley, Carr 8; Rabideau, Rock 16; D. Hall, Graf 13; M. Martin, Hills 34: Municipal and County Government)
- HB 1599-FN-A-L**, establishing a prescription drug payment assistance program and making an appropriation therefor. (Moriarty, Hills 18; Nordgren, Graf 10; Squires, Dist 12; Hollingworth, Dist 23: Finance)
- HB 1601-FN-L**, relative to the procedure for the setting of tax rates by the commissioner of revenue administration. (Boyce, Belk 5, Czech, Belk 5: Municipal and County Government)
- HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss. (Burnham, Ches 8: Health, Human Services and Elderly Affairs)
- HB 1603**, establishing a committee to study the ages at which persons under 21 years of age become subject to state laws. (Keans, Straf 16: Children and Family Law)
- HB 1604-FN-L**, establishing the position of state animal control officer. (J. Phinzy, Sull 7; L. Pratt, Coos 4; Musler, Straf 6; McGuirk, Ches 1; Cohen, Dist 24: Wildlife and Marine Resources)
- HB 1605-FN-L**, relative to the adoption of a state building code. (Clegg, Hills 23: Municipal and County Government)
- HB 1606-FN**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. (Leber, Merr 1; Cox, Rock 24; Taylor, Straf 11; Keye, Hills 30; Gordon, Dist 2; Wheeler, Dist 21; J. King, Dist 18; Brown, Dist 17: Executive Departments and Administration)
- HB 1607**, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services. (Burnham, Ches 8; Pilliod, Belk 3; Potter, Merr 24; Emerton, Hills 7; Dowling, Rock 13; Wheeler, Dist 21; Cohen, Dist 24; Pignatelli, Dist 13; Squires, Dist 12; Gordon, Dist 2: Health, Human Services & Elderly Affairs)
- HB 1608-FN-L**, relative to minors and smoking. (Pantelakos, Rock 30; Splaine, Rock 34: Commerce)
- HB 1609**, establishing a commission to study issues of diversity, immigration, and English as a second language in New Hampshire. (Garrish, Hills 37: Executive Departments and Administration)
- HB 1610-FN**, regulating indoor tanning facilities. (Copenhaver, Graf 10; M. Fuller Clark, Rock 36; Williams, Hills 39; Dyer, Hills 8; Torr, Straf 12: Executive Departments and Administration)
- HB 1611**, recodifying the state's DWI laws. (Christie, Rock 22: Criminal Justice and Public Safety)
- HB 1612-FN**, establishing a state office of privacy. (Kurk, Hills 5; Gilmore, Straf 11: Executive Departments and Administration)
- HB 1613**, exempting police officers on bicycles from certain motor vehicle laws and rules. (K. Hutchinson, Rock 29: Transportation)
- HJR 20**, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. (Konys, Hills 33; Buckley, Hills 44; Pilliod, Belk 3; Lozeau, Hills 30; Clegg, Hills 23; Pignatelli, Dist 13; Trombly, Dist 7; Squires, Dist 12; Brown, Dist 17: State-Federal Relations and Veterans Affairs)
- HJR 21**, calling for changes in the federal Clean Air Act regarding best available control technology. (MacGillivray, Hills 21: Science, Technology and Energy)
- HJR 22**, relative to the unintended consequences of the Balanced Budget Act of 1997. (Virtue, Merr 9; French, Merr 3; Dickinson, Carr 2; O'Neill, Rock 22; Millham, Belk 4; Hollingworth, Dist 23; Wheeler, Dist 21: Finance)
- HJR 23**, urging the executive branch to negotiate an expedient settlement resolving the Claremont dispute. (Sapareto, Rock 13; Brothers, Graf 6; Gilmore, Straf 11; Hollingworth, Dist 23; Krueger, Dist 16; Cohen, Dist 24: Finance)
- HJR 24**, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline. (Bradley, Carr 8; MacGillivray, Hills 21; Norelli, Rock 31; Maxfield, Merr 9; M. Downing, Rock 26; Wheeler, Dist 21; Below, Dist 5; Johnson, Dist 3: Science, Technology and Energy)
- HJR 25**, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire. (Robb-Theroux, Sull 9: State-Federal Relations and Veterans Affairs)
- HCR 20**, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting. (Dalrymple, Rock 26; P. Katsakiores, Rock 13; M. Nowe, Rock 4: State-Federal Relations and Veterans Affairs)



**HCR 21**, urging the federal government to increase the pay to military personnel. (Quandt, Rock 20; Dalianis, Hills 35; R. Nowe, Rock 3; Beaulieu, Rock 11; Weyler, Rock 18: State-Federal Relations and Veterans Affairs)

**HCR 22**, urging the federal government to ensure that defense appropriations are spent in support of defense programs. (Quandt, Rock 20; Dalianis, Hills 35; Martel, Hills 45; Weyler, Rock 18; Beaulieu, Rock 11: State-Federal Relations and Veterans Affairs)

**HCR 23**, urging the United States Congress to allow greater state and local regulation of cable television services and greater choice for cable television subscribers. (Larrabee, Merr 9: State-Federal Relations and Veterans Affairs)

**HCR 24**, relative to integration of people with disabilities. (Salatiello, Belk 2: State-Federal Relations and Veterans Affairs)

**HCR 25**, opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry. (Scanlan, Graf 11; Chandler, Carr 1; Gilman, Graf 1; Glines, Coos 6; Gordon, Dist 2; F. King, Dist 1: Resources, Recreation and Development)

**HCR 26**, relative to the redistricting of the town of Alexandria following the 2000 census. (Scanlan, Graf 11; Harmon, Graf 8; W. Phinney, Graf 8; Gordon, Dist 2; Below, Dist 5: Election Law)

**HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. (Noyes, Rock 26; Raynowska, Rock 26; Dalrymple, Rock 26; Mirski, Graf 12; Stickney, Rock 26; Johnson, Dist 3: State-Federal Relations and Veterans Affairs)

**HCR 28**, requesting the New Hampshire supreme court to rule on whether part first, article 6 and part second, article 83 of the New Hampshire constitution are in conflict. (Bruno, Hills 4; Roberge, Dist 9: Judiciary)

**HCR 29**, promoting the development and implementation of a financial literacy curriculum for primary school pupils in New Hampshire. (Kenney, Carr 6: Education)

**HCR 30**, urging the United States Environmental Protection Agency to adopt recently proposed new automobile emission standards and fuel regulations known as the Tier2/Gasoline Sulfur Rule, at least as stringent as originally proposed. (Norelli, Rock 31; Keans, Straf 16; Lynde, Hills 24; Maxfield, Merr 9; Below, Dist 5; Cohen, Dist 24; Russman, Dist 19: Science, Technology and Energy)

**HR 20**, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer. (R. Nowe, Rock 3; Brothers, Graf 6; Chandler, Carr 1; K. Herman, Hills, 13; Buckley, Hills 44; Soltani, Merr 10; Reeves, Hills 37; Griffith, Rock 27; M. Nowe, Rock 4; Royce, Ches. 9; N. Wall, Hills 22; Weare, Rock 21; Martel, Hills 45: State-Federal Relations and Veterans Affairs)

**CACR 30**, relating to judicial retirement. Providing that a judge may serve after age 70 if appointed by governor and council to a 5-year renewable term. (Soltani, Merr 10: Judiciary)

**CACR 31**, relating to the constitutional duty of the legislature concerning the interest of literature and the sciences. Providing that the legislature shall no longer have the constitutional duty to promote the interest of literature and the sciences. (Bickford, Straf 1; Alger, Graf 9: Finance)

**CACR 32**, relating to the size of the general court. Providing that provisions mandating the size of the general court shall be removed from the constitution and shall be established by statute. (Buckley, Hills 44; Wallin, Merr 15; Copenhaver, Graf 10; Konys, Hills 33; M. Fuller Clark, Rock 36; Wheeler, Dist 21; Trombly, Dist 7; J. King, Dist 18: Legislative Administration)

**CACR 33**, relating to meetings of the legislature. Providing that the legislature shall assemble biennially. (Buckley, Hills 44; Chandler, Carr 1; F. King, Dist 1: Legislative Administration)

**CACR 34**, relating to money raised by taxation. Providing that the provision prohibiting money raised by taxation from being granted or applied for the use of schools or institutions of any religious sect or denomination shall be removed from the constitution. (Bruno, Hills 4; Roberge, Hills 9: Education)

**CACR 35**, relating to malfeasance and crime in state agencies. Providing that a permanent grand jury shall be established to review and investigate all actions by agencies of the state of New Hampshire and all indictments arising therefrom shall be prosecuted promptly and without delay. (Marple, Merr 11: Judiciary)

**CACR 36**, relating to voting rights of homeowners. Providing that every person shall be considered an inhabitant for the purposes of voting relating to the raising of money in any town, ward, or unincorporated place where the person has his or her domicile or owns a residence. (Leonard, Hills 39: Election Law)



**CACR 37**, relating to the right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental. (Gilmore, Straf 11; Kurk, Hills 5; Arndt, Rock 27; Mitchell, Ches 3; Kennedy, Merr 7; Below, Dist 5; Wheeler, Dist 21: Judiciary)

### VACATES

Rep. Mock moved that the House vacate the reference to the Committee on Judiciary of **HB 1155**, excepting for-profit blood suppliers from limitations on strict liability.

Adopted and referred to Health, Human Services and Elderly Affairs.

Rep. Emerton moved that the House vacate the reference to the Committee on Health, Human Services and Elderly Affairs of **HB 1410**, relative to the joint health council.

Adopted and referred to Executive Departments and Administration.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 304**, relative to the confidentiality of criminal history records checks, removed by Rep. O'Hearn.

**HB 505-FN**, establishing a special license plate for veterans, removed by Rep. Heon.

Consent Calendar adopted.

**HB 200-FN-L**, relative to restructuring the juvenile justice system in New Hampshire. REFER FOR INTERIM STUDY

Rep. Mary Stuart Gile for Children and Family Law: This bill proposes to create a department of children's services and juvenile justice as a separate executive agency of state government responsible for the general supervision and enforcement of all programs and services for children and youth. The committee is involved in an extensive study of the various programs, functions, services of both DCYF and DYDS and needs more time to develop their recommendations. Vote 17-0.

**HB 405-FN**, relative to the definition of "placement cost" with regard to services for children, youth, and families provided by the department of health and human services. OUGHT TO PASS WITH AMENDMENT

Rep. L. Randy Lyman for Children and Family Law: The subcommittee conducted several sessions where diversion was addressed at length with county executives, DHHS and program facilitators. Diversion reduces the possibility of placement. Funds have not been increased since 1995. Vote 16-1.

### Amendment (2092h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs.

Amend the bill by replacing all after the enacting clause with the following:

1 Services for Children, Youth, and Families; Placement Costs for Juvenile Diversion and Alternative Disposition Programs; Appropriation Increased. Amend RSA 170-G:4, XVI to read as follows:

XVI. Encourage cities, towns and counties to develop and maintain prevention programs, court diversion programs and alternative dispositions for juveniles other than placements outside of the home through the use of a formula which shall allow for the transfer of funds to cities, towns and counties which have, or are developing, prevention programs or alternatives for juvenile care. The amount to be distributed for this program shall be not less than 5 percent of the amount appropriated in fiscal year 1994 and not less than [6] 6 1/4 percent in each fiscal year thereafter, to the department of health and human services for placement costs. The method of distribution shall be based upon rules adopted under RSA 541-A by the commissioner. For purposes of this paragraph, prevention programs shall include programs or activities for the prevention of child abuse and neglect.

2 Effective Date. This act shall take effect July 1, 2000.

## AMENDED ANALYSIS

This bill increases from 6 percent to 6 1/4 percent the amount of the annual appropriation for funding placement costs for juvenile diversion and alternative disposition programs within the department of health and human services.

Referred to Finance.

**HB 555**, relative to representation of a child during child interviews. REFER FOR INTERIM STUDY

Rep. Laura C. Pantelakos for Children and Family Law: The committee felt this bill should be studied further to be sure that the children's rights are protected during interviews. Vote 17-0.

**HB 571**, relative to joint legal and physical custody of children. INEXPEDIENT TO LEGISLATE  
Rep. Edward P. Moran for Children and Family Law: This bill encourages more shared parental responsibility, but sets an arbitrary minimum time standard which creates a whole set of problems. Bill sponsors introduced what they believed is an improved approach, but the committee felt that a bill dealing with a parenting plan in the next session was the best approach. Vote 16-0.

**HB 717-FN-A**, establishing a child care incentive program for training child care workers, and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. Julie M. Brown for Children and Family Law: This bill would establish a childcare incentive program for training childcare workers and making an appropriation. This is an excellent bill, but needs further study. Vote 15-0.

**SB 137-FN**, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses. INEXPEDIENT TO LEGISLATE

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill deals with the use of Social Security numbers for support enforcement and for driver's, marriage, professional and recreational licenses. The committee determined that although the goals are laudable, the opportunities for abuse, misuse and unwarranted invasion of privacy were sufficient to warrant a recommendation of "Inexpedient to Legislate." Vote 16-0.

**HB 309**, relative to motor vehicle insurance. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: There have been several steps taken by the Insurance Department to help the problems of "After Market Parts" and coercion or steering to certain repair facilities through a bulletin they issued in September. While it does not solve all of the problems, new legislation has been filed to address these issues. The committee wants to keep the subject alive for further work. Vote 15-0.

**HB 434**, providing that health care providers shall determine the appropriate course of patient treatment. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: The committee had three re-referred bills, as well as a chaptered study, which covered the subject matter of this bill. The concern of the committee was how to most effectively address the issue. The consensus was to focus our efforts on House Bill 637. Vote 14-2.

**HB 528**, adding penalty provisions to the unfair claim settlement practices by insurers law. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: The Insurance Department is still waiting for a pending Supreme Court decision on this matter. The committee would like to keep this bill alive for further action next year. Vote 17-0.

**HB 647-FN**, relative to health care providers and provider agreements with health insurers. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: The committee believed that the concerns of the sponsor could not be addressed without dismantling the current HMO system in New Hampshire. Many of the issues raised by the sponsor will be covered in House Bill 637. Vote 16-0.

**SB 162**, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce: The amendment to this bill clarifies several issues pertaining to purchasing alliances and the licensing of same, pursuant to RSA 420-G:10. The amend-

ment also states that two or more employers may jointly purchase health insurance coverage without having to form a purchasing alliance. The bill will sunset in five years if no entity has been licensed and is currently issuing coverage under the provisions of this bill. Vote 16-0.

### **Amendment (2182h)**

Amend the title of the bill by replacing it with the following:

AN ACT authorizing licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added; Purchasing Alliance. Amend RSA 420-G:2 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Purchasing alliance" means a non-risk bearing corporation or other entity licensed pursuant to RSA 420-G:10-a that provides, on a voluntary basis, health insurance coverage through multiple unaffiliated participating carriers to member small employers and their employees within a defined service area authorized by the commissioner.

2 New Section; Voluntary Small Employer Health Insurance Purchasing Alliances. Amend RSA 420-G by inserting after section 10 the following new section:

420-G:10-a Voluntary Small Employer Health Insurance Purchasing Alliances; Rulemaking.

I. The commissioner shall have the regulatory oversight authority to set standards for the licensure and conduct of purchasing alliances authorized under this section and to enforce such standards.

II. Each applicant and each duly licensed purchasing alliance shall file with the commissioner such information or documents as the commissioner shall adopt by rule as necessary to perform oversight function.

III. A purchasing alliance shall offer health benefit plans and establish conditions of participation for small employers, employees, and participating carriers that conform to the requirements of this chapter.

IV. Nothing in this section shall require 2 or more small employers to join a purchasing alliance as a condition of jointly purchasing health insurance coverage. Any such coverage jointly purchased by 2 or more small employers who do not join a purchasing alliance shall conform to the requirements of this chapter.

V. The commissioner shall adopt such rules, under RSA 541-A, and issue such orders as may be necessary to carry out the commissioner's oversight responsibilities under this section.

3 Repeal. The following are repealed:

I. RSA 420-G:2, XIV-a, relative to a definition of "purchasing alliance".

II. RSA 420-G:10-a, relative to voluntary small employer health insurance purchasing alliances.

4 Contingency. If during the month of January, 2006, the commissioner of insurance certifies to the secretary of state that no entity has been licensed as an alliance pursuant to the provisions of this act and is actively offering coverage and enrolling employees of member small employers, then section 3 of this act shall take effect on the date of certification. If no such certification occurs during the month of January, 2006, section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect January 1, 2001.

### **AMENDED ANALYSIS**

This bill authorizes the insurance department to set standards for the licensure and regulatory oversight of voluntary small employer purchasing alliances.

**HB 202**, legalizing the possession and cultivation of marijuana for medicinal purposes. REFER FOR INTERIM STUDY

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: The committee felt that further information should be sought before a final decision was made on legalizing the use of marijuana for medicinal purposes. Testimony from a pharmacist suggested that merinol was, indeed, as effective as smoking in alleviating pain in terminal patients. The committee decided it needed more information about why the medical industry was perhaps not prescribing its use, and is seeking more input about the medical uses. Vote 10-2.



**HB 254-L**, relative to restricting the fire marshal's authority in certain municipalities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Everett A. Weare for Criminal Justice and Public Safety: Upon hearing testimony from the bill's sponsor and representatives from the Fire Marshal's Office, local fire chiefs and code enforcement officials, it was determined that it was not prudent to restrict the authority of the Fire Marshal in communities with a population over 3,000. This creates the potential of having various codes throughout the state, which could jeopardize the safety of its citizens. However, the testimony brought out several problem areas. The committee felt that formulating a study committee with all parties involved would resolve those issues that are problem areas and thereby insure the public safety of all citizens. Vote 13-0.

**Amendment (2045h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study building inspector liability and other related matters.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the feasibility of extending the public duty rule to building inspectors and health officers; the feasibility of allowing the use of fire sprinklers in rooms or areas containing either generators, transformers, telecommunications equipment or electronic data processing equipment; and the feasibility of expanding the role of the state advisory board of fire control to include the hearing of appeals concerning the state fire code.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house, including 3 members from the criminal justice and public safety committee and 2 members from the municipal and county government committee.

(b) Three members of the senate, appointed by the president of the senate, comprised of members of the public affairs committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties.

I. The committee shall study the following matters:

(a) The feasibility of extending the public duty rule to building inspectors and health officers;

(b) The feasibility of allowing the use of fire sprinklers in rooms or areas containing either generators, transformers, telecommunications equipment or electronic data processing equipment; and

(c) The feasibility of expanding the role of the state advisory board of fire control to include the hearing of appeals concerning the state fire code.

II. The committee shall seek input from the New Hampshire Association of Building Officials, the New Hampshire Association of Fire Chiefs, the New Hampshire Association of Health Officers, the New Hampshire Municipal Association, the state advisory board of fire control, the department of safety, and other interested parties.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill creates a committee to study the feasibility of extending the public duty rule to building inspectors and health officers; the feasibility of allowing the use of fire sprinklers in rooms or areas containing either generators, transformers, telecommunications equipment or electronic data processing equipment; and the feasibility of expanding the role of the state advisory board of fire control to include the hearing of appeals concerning the state fire code.



**HB 282-FN-A**, relative to bomb dogs and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill would authorize the purchase of two bomb dogs for use by the state. The state has recently received a federal grant in the amount of \$24,000 for the purchase and training of two explosive sniffing dogs. The purchase is underway and the training is either about to commence or has already commenced. This bill is, therefore, unnecessary and the committee voted "Inexpedient to Legislate." Vote 17-0.

**HB 312**, restricting the carrying of firearms in courthouses. OUGHT TO PASS WITH AMENDMENT

Rep. Everett A. Weare for Criminal Justice and Public Safety: House Bill 312 defines an area used by a court. The term is in the part of the statute that restricts the carrying of firearms into a courtroom or an area used by a court. The penalty for this is a Class B felony. Occasionally, the judges meet at a non-court facility and the court security personnel have indicated that this also is an area used by a court. The committee disagrees with this use of the statute that originated as a result of an earlier court security study committee. We do agree, however, that firearms should not be introduced into a court building that houses only a court facility or into a building that is partially used as a court facility. The placement of security devices remains with the court security personnel and the county sheriffs where appropriate. The Class B felony would only apply in the areas used by a court as defined in RSA 159:19. Those areas as amended include courtrooms, jury assembly rooms, deliberation rooms, conference and interview rooms, the judges chambers, other court staff facilities, holding facilities, and corridors, stairways, waiting areas, and elevators directly connecting these rooms and facilities. A reference to RSA 159:5 was added to protect law enforcement personnel when they are "on duty" at a court facility. RSA 159:5 allows marshals, sheriffs, and police to carry firearms in a court security situation in a normal course of business. Input from the administrative office of the courts and the county sheriffs was considered and included in the amendment Vote 14-0.

**Amendment (2040h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the carrying of firearms in courthouses.

Amend the bill by replacing all after the enacting clause with the following:

1 Firearms Restrictions; Courthouse Security. Amend RSA 159:19 to read as follows:

159:19 [Courtroom] Courthouse Security.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon [his] the person or within any of [his] the person's possessions owned or within [his] the person's control in a courtroom or area used by a court. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. ~~[Firearms may be secured at the entrance to a courthouse by courthouse security personnel. A person who knowingly carries a loaded or unloaded pistol, revolver, or firearm, or any other deadly weapon as defined in RSA 625:11, V past a screening device at an entrance to a courthouse shall be guilty of a violation.~~

III. ~~The supreme court shall adopt rules defining "a courtroom or area used by a court"]~~ For purposes of paragraph I, "area used by a court" means:

(a) *In a building dedicated exclusively to court use, the entire building.*

(b) *In any other building which includes a court facility, courtrooms, jury assembly rooms, deliberation rooms, conference and interview rooms, the judge's chambers, other court staff facilities, holding facilities, and corridors, stairways, waiting areas, and elevators directly connecting these rooms and facilities.*

[IV:] III. The provisions of this section shall not apply to marshals, sheriffs, [policemen] police or other duly appointed or elected law enforcement officers, bailiffs and court security officers, or persons with prior authorization of the court for the purpose of introducing weapons into evidence and as otherwise provided for in RSA 159:5.

[V:] IV. It shall be an affirmative defense to any prosecution under paragraph I that there was no notice of the provisions of paragraph I posted in a conspicuous place at each public entrance to the court building.

2 Effective Date. This act shall take effect January 1, 2001.

## AMENDED ANALYSIS

This bill defines area used by the court" for purposes of restricting the carrying of firearms in courthouses.

**HB 359**, establishing a committee to study the rights of a private citizen to pursue a criminal investigation if he or she believes it is not being pursued vigorously. **INEXPEDIENT TO LEGISLATE**

Rep. William J. McCarthy for Criminal Justice and Public Safety: The committee feels that in homicide cases, which is the circumstance that precipitated this bill, the Attorney General's Office does not hesitate to bring forth prosecutions even if a case has been pending for years. However, they prefer not to call a Grand Jury and initiate the prosecution of a case, if they feel that the evidence is lacking for a successful case. In present law, a relative of a homicide victim can file a wrongful death suit, regardless of any action by the state. Also, only one other state, Colorado, allows for a private citizen to pursue a case, and that state has a special prosecutor for that purpose, which New Hampshire does not have. It has been used only minimally in that state and for a somewhat unique personnel situation. After listening to the number of homicide cases still pending for over a year (approximately 53), and hearing details of several reopened and successfully prosecuted after considerable time had passed, the committee concluded that no suggested changes would improve upon the present system and that the solution remains improved management and better investigations, rather than legislation. Vote 12-2.

**HB 478**, prohibiting smoking in all areas of prisons. **INEXPEDIENT TO LEGISLATE**

Rep. Richard F. Doucette for Criminal Justice and Public Safety: This bill would have prohibited smoking by all personnel and inmates within all areas of the state's prison system. When the public hearing was held, the correction officers' union representative testified in support of the measure. Since that time, the no-smoking policy has become a bargaining issue. The Department of Corrections has informed the committee that the no-smoking policy promulgated earlier this year is underway. The New Hampshire State Prison for Women has been non-smoking since April 1, 1999. The New Hampshire State Prison Secure Psychiatric Unit and the three halfway houses have been non-smoking since September 1, 1999. The Lakes Region Facility will be non-smoking as of November 1, 1999 and the Berlin State Prison will open non-smoking. There is no need to create a statute that is difficult to reverse when a department policy will suffice. The committee is also divided on the practicality of a no-smoking policy within the prison system. The committee recommends "Inexpedient to Legislate." Vote 16-1.

**HB 522**, relative to the public's access to sex offender registry information. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This legislation requires convicted sex offenders and offenders against children who are required to register, to do so annually within 30 days after each anniversary of the person's date of birth rather than each anniversary of their date of release from custody. This should make it easier to remember to register. Added to the list of information available to the public are outstanding arrest warrants for any sexual offender or offender against children who has not complied with the offenders obligation to register. Sexual offenders or offenders against children previously convicted of a misdemeanor for knowingly failing to register, shall be guilty of a Class B felony for knowingly failing to register a second or subsequent time. Vote 14-2.

## Amendment (2175h)

Amend the bill by replacing all after the enacting clause with the following:

1 Duty to Report. Amend RSA 651-B:4, I to read as follows:

1. Any person required to be registered under this chapter shall be required to report such person's current mailing address and place of residence or temporary domicile to the local law enforcement agency within 30 days after the person's release from custody following conviction, or within 30 days after the person's date of establishment of residence in New Hampshire if convicted elsewhere. Such report shall also be made annually within 30 days after each anniversary of the person's date of birth, and additionally within 30 days after any change of address or place of residence. Forms for reporting shall be provided by the department to each municipal police and county sheriff department, and shall include a copy to be receipted and returned to the person fil-

ing the report and a copy to be forwarded to the division. The division shall include such address report information in the LENS system, and shall also use the information to maintain a current address in the person's criminal record as maintained under RSA 106-B:14.

2 New Subparagraph; Persons to be Included on Sex Offender Registry List. Amend RSA 651-B:7, II(b)(1) by inserting after subparagraph (C) the following new subparagraph:

(D) Outstanding arrest warrants, together with the information listed in RSA 651-B:7, II(b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the offender's obligations to register under this chapter.

3 Updates. Amend RSA 651-B:7, IV as follows:

IV. The division shall forward, *by any means*, a copy of the list described in this section to each local law enforcement agency at periodic intervals, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to the local law enforcement agency. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in [~~a specified city or town~~] *the state*. The rules shall also include provisions for identifying and maintaining a record of the parties to whom information from the list has been disclosed, and may also provide for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

4 Penalty. Amend RSA 651-B:9 to read as follows:

651-B:9 Penalty.

I. A sexual offender or offender against children who negligently fails to comply with the requirements of this chapter shall be guilty of a violation.

II. A sexual offender or offender against children who knowingly fails to comply with the requirements of this chapter shall be guilty of a misdemeanor.

*III. A sexual offender or offender against children previously convicted of a misdemeanor pursuant to paragraph II who knowingly fails to comply with the requirements of this chapter shall be guilty of a class B felony.*

[~~III.~~] IV. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

5 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill broadens the scope of information required to appear on the sexual offender registry list and the means of collecting and reporting such information. The bill also makes subsequent offenses for knowingly failing to register punishable as a class B felony.

**HB 631-FN**, authorizing the department of safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. INEXPEDIENT TO LEGISLATE

Rep. Frederick B. Andrews for Criminal Justice and Public Safety: House Bill 631 is an act authorizing the Department of Safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes. The Department of Safety would issue photographic identification cards for persons who have undergone criminal background checks. These cards could be used when applying for other safety-related clearance matters. Such cards shall only be issued after Department of Safety personnel have verified, via review of National Instant Criminal Background Check System (NICS) records, that no data exists to indicate that possession of a firearm by the individual requesting the card would be in violation of federal, state or local law. At the September 28, 1999 work session, Assistant Commissioner John Stephen was not enthusiastic about the bill. There was no support from the department and there were no suggestions about how to speed up the present process. When originally drafted, the sponsor thought it would provide a more uniform procedure and allow the criminal record background checks at the time of hire to be done in a more timely manner. The work sessions shed no light on the methods used that would indicate a benefit to those who need criminal record checks for the purpose of hiring or for those who apply for employment. House Bill 304 currently being studied



by the committee on education will, when amended by that committee, clarify the procedure for those who work with children in our school system. The committee recommends that House Bill 631 be found "Inexpedient to Legislate." Vote 14-0.

**HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill in its original form added duties or obligations on school systems, which in most cases were already covered by the systems rules and procedures, and by RSA 193-D, the Safe School Zones Act. The only part the committee changed was paragraph I.(a), that when a report is made by the principal to the police, it is also made to the parent or guardian of the victim. The changes made were agreed to by the sponsor and he felt they accomplished his goal. Vote 17-0.

#### **Amendment (2186h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Reporting Requirements; Child Endangerment; Assaults. Amend RSA 193-D:4, I (a) to read as follows:

I.(a) Any public or private school employee who has witnessed or who has information from the victim of an act of theft, destruction, or violence in a safe school zone shall report such act in writing immediately to a supervisor. A supervisor receiving such report shall immediately forward such information to the school principal who shall file it with the local law enforcement authority. Such report shall be made by the principal to the local law enforcement authority *and person responsible for the child's welfare as defined in RSA 169-C:3, XXII* immediately, by telephone or otherwise, and shall be followed within 48 hours by a report in writing.

2 Effective Date. This act shall take effect January 1, 2001.

#### **AMENDED ANALYSIS**

This bill changes the reporting requirements for teachers or school administrators who witness or have information concerning acts of theft, destruction or violence by students.

**SB 29-L**, relative to the proper sheltering of dogs. **OUGHT TO PASS WITH AMENDMENT**

Rep. William J. McCarthy for Criminal Justice and Public Safety: This bill, as originally written, actually weakened the animal cruelty statutes in some areas. It also, however, opened up possible scenarios of enforcement officials entering private property for little reason. The original bill also addressed shelter specifications in minute detail. The committee agreed that a better definition of shelter may be in order, but not in the detail presented. The amendment maintains the level of penalty in current statute and inserts the shelter definition in the appropriate place in the statute. Vote 13-1.

#### **Amendment (2027h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Shelter for Dogs; Protection from the Weather. Amend RSA 644:8 by inserting after paragraph II the following new paragraph:

II-a. In this section, "shelter" or "necessary shelter" for dogs shall mean any natural or artificial area which provides protection from the direct sunlight when that sunlight is likely to cause heat exhaustion of a dog tied or caged outside. Shelter from inclement weather shall have an area within to afford the dog the ability to stand up, turn around and lie down, and be of proportionate size as to allow the natural body heat of the dog to be retained.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill defines what is necessary for adequate shelter for a dog.

**SB 88-FN**, relative to penalties for third driving while intoxicated offenses. **REFER FOR INTERIM STUDY**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill deals with penalties for third offense DWI. The committee felt "Interim Study" was proper for this as House Bill 84 was initially the same and that was made into a chartered study committee to look into DWI related matters. By putting this bill into "Interim Study," we have a vehicle available to use if needed for DWI penalties and we felt that the issues in Senate Bill 88 should be looked at along with those in House Bill 84. Vote 16-0.



**HB 273-FN-L**, relative to annual grants for school building aid. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. McKinley for Education: The amendment replaces the bill. This bill, as amended, creates a legislative oversight committee for school building aid to study all aspects of state funding for building programs and recommend legislation or rules where applicable. This oversight committee is to review the report on the condition of schools by the State Board and the administrative rules dealing with building aid and what constitutes an adequate public school building. The original bill revised the building aid formula. Information and data are still forthcoming making a new formula premature at this time. Vote 16-1.

**Amendment (2193h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a school building aid oversight committee.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; School Building Aid Oversight Committee. Amend RSA 198 by inserting after section 15-h the following new section:

198:15-hh School Building Aid Oversight Committee.

I. There is hereby established a school building aid oversight committee for the purpose of monitoring and overseeing the funding of adequate educational facilities within the school districts of this state and to recommend legislation as deemed necessary. The membership of the committee shall be as follows:

(a) Three members of the house of representatives, including one member of the education committee and one member from either the finance committee or the public works committee, appointed by the speaker of the house.

(b) Three members of the senate, including one member of the education committee and one member from either the finance committee or the capital budget committee, appointed by the president of the senate.

II. The first-named house member shall call the first meeting no later than 60 days after the effective date of this section. A chairperson shall be elected by the membership at the first meeting. The committee shall meet at the call of the chair.

III. Membership on the committee shall be coterminous with membership in the legislature.

IV. The duties of the committee shall be as follows:

(a) To review any past studies regarding school building aid.

(b) To cooperate with and support the state board of education and the department of education in their statewide qualitative study concerning public school facilities and distribution of school building aid in accordance with 1998, 267:3.

(c) To review the current school building aid distribution formula, including recommendations for alternative methods of apportioning such aid.

(d) To review department of education rules regarding school building aid and construction.

(e) To evaluate the process undertaken by the state board of education for approval of school construction plans, including recommending guidelines to minimize premature facilities and equipment obsolescence.

(f) To create guidelines to insure that the state portion of school building aid is used for educational purposes necessary for an adequate education.

V. The committee shall report no later than November 1 annually to the speaker of the house, the chairperson of the house education committee, the president of the senate, the chairperson of the senate education committee, and to the governor and council. The report shall include any recommendations for legislation.

2 Repeal. RSA 198:15-hh, relative to school building aid oversight committee, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2006.

II. The remainder of this act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes a school building aid oversight committee for the purpose of overseeing and monitoring the funding of adequate educational facilities in each school district.

**SB 208-FN**, establishing a "parents as scholars" program. **INEXPEDIENT TO LEGISLATE**  
Rep. Susan B. Durham for Education: The purpose of this bill is to allow people on TANF to take courses at the Technical-Community College and have that effort considered work for purposes of receiving benefits. This is in conflict with the current philosophy of Health and Human Services which is "work first," if work is available. There will be further legislation to establish a commission to study how the Technical-Community College can work with TANF recipients so they can achieve skills to be self-supporting. Vote 15-0.

**HB 493-FN**, relative to alteration of sample ballots. **INEXPEDIENT TO LEGISLATE**  
Rep. Lynn C. Horton for Election Law: This bill would create a new class A misdemeanor. The committee felt that since city and town election officials with only one exception had no complaints and the secretary of state's office had no complaints that this piece of legislation could cause more problems than it would solve. Therefore, inexpedient to legislate is the correct and proper way to handle this. Vote 18-0.

**SB 94**, relative to absentee voter affidavits. **INEXPEDIENT TO LEGISLATE**  
Rep. C. Donald Stritch for Election law: The committee felt that since the secretary of state had addressed the problem of absentee ballot affidavit signatures to the committee's satisfaction, this bill was no longer needed. Vote 18-0.

**HB 52**, exempting certain currants and gooseberries resistant to the white pine blister rust organism from restrictions on planting in control areas. **INEXPEDIENT TO LEGISLATE**  
Rep. Kenneth R. Marshall for Environment and Agriculture: The committee voted 15-0 that this bill is unnecessary at this time because the law already allows for the Division of Forests and Lands to issue permits for the growing of gooseberries and currants and, in fact, is now doing so. Vote 15-0.

**HB 246**, relative to personnel transfers at the department of safety. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Howard C. Dickinson for Executive Departments and Administration: The amendment to HB 246 represents a compromise on the subject of personnel transfers involving personnel in the Division of Fire Standards and Training at the Department of Safety. The Executive Departments and Administration Committee is pleased to unanimously support this agreement. Vote 15-0.

#### Amendment (2114h)

Amend the bill by replacing all after the enacting clause with the following:

I Transfers Involving the Division of Fire Standards and Training. Amend RSA 21-P:15, III to read as follows:

III. Any transfer involving the division of fire standards and training undertaken pursuant to this section shall require ~~[the concurrence of]~~ *consultation with* the fire standards and training commission, *prior to the transfer being proposed to the governor and council.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires that personnel transfers involving the division of fire standards and training be done in consultation with the fire standards and training commission prior to the transfer being proposed to the governor and council.

**HB 499-FN**, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members. **INEXPEDIENT TO LEGISLATE**  
Rep. Merton S. Dyer for Executive Departments and Administration: This bill would have required the New Hampshire Retirement System to send the monthly subsidy checks for retirees or beneficiaries to the medical plan selected by the retiree. RSA 100-A:52 requires payment to the employers health plan. The New Hampshire Retirement System now sends out about 120 checks per month and to send them to the medical plan of the retiree's choice, could increase the workload tremendously. The retirees need to work with their former employers to select a plan with wide acceptance. When the State of New Hampshire changed insurance carriers, they retained Blue Cross/Blue Shield for retirees because of its wide accessibility. The employer or group of employers should work with the retirees to provide the coverage requested. Vote 16-0.

**HB 598-FN**, relative to the licensure of x-ray technicians. **INEXPEDIENT TO LEGISLATE**  
 Rep. Maurice E. Goulet for Executive Departments and Administration: During the fall of 1999, under SB 60, a study committee reviewed the issues relating to licensure of radiological technicians. Many issues were raised pertaining to radiological safety. However, further examination is required. The study committee (SB 60) approved a motion on October 21, 1999 to extend the study committee's reporting date to November 1, 2000. It is believed that this one-year extension may produce different bills that would provide better legislative resolution(s) regarding the provision of safer radiological services for the 2001 legislative session. Vote 15-0.

**SB 216-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow any Group I employee or teacher member who has completed ten years of creditable service, to purchase up to four years of additional creditable service for active service in the armed forces of the United States or service in an active status in the New Hampshire National Guard or organized reserves. The present statute has provisions for members called to active duty in the armed forces. This bill refers to prior service or service in the reserves. This retirement system is for the employees and is provided, in part, by the employer for service provided in the course of employment. Additional payments late in the employment cycle will enhance the retirement benefit but may not fully fund the benefit purchased. The subcommittee voted "Inexpedient to Legislate" as this bill might have unrecognized consequences. Vote 15-1.

**HB 107-FN-A**, establishing a tax review and adjustment study commission and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: The bill's purpose was to study the state's tax structure in light of legislative action to respond to the *Claremont II* decision. A commission would recommend a new revenue-neutral tax structure. The Finance Committee believes such a study to have value and appreciates the sponsor's foresight. However this function was subsequently assigned to the Tax Equity Commission created in HB 117 which is now meeting and makes further consideration of HB 107 unnecessary. Vote 21-0.

**HB 289**, relative to eligibility for child day care assistance. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Jane Wallner for Finance: During the public hearing it became clear that this bill addressed an issue which was addressed in rules. The problem was that the Department of Health and Human Services' policy did not properly reflect the department's rules. The department has corrected the policy and this bill is not necessary. Vote 24-0.

**HB 630-FN-L**, relative to the Skyhaven airport transfer plan. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: This bill deals with the Skyhaven Airport transfer plan and establishes a self-funding maintenance and operations fund. It further requires capital budget overview on any capital improvements projects.

The amendment removes the "sole source of funding" provision in section 422:49, the Skyhaven Airport Maintenance and Operation Fund and replaces it with wording that allows management to seek federal and/or private funds. It further amends the bill to require the transfer of the Skyhaven Airport to a local public entity be completed no later than July 1, 2003; it also requires that the submission of a plan for the transfer be completed and presented by 2002 rather than the year 2000. The remaining sections of the bill are unchanged. Vote 22-0.

#### **Amendment (2020h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Skyhaven Transfer Plan. Amend 1998, 317:1 to read as follows:

317:1 Skyhaven Airport Transfer Plan.

*I.* The long range capital planning and utilization committee and the Skyhaven airport operation commission shall develop a plan to transfer the Skyhaven airport to a local public entity. ***The transfer shall be completed by July 1, 2003.*** The transfer shall be to an entity that is eligible for federal funding under the Airport Improvement Program and other federal programs, and that will maintain the airport in a satisfactory manner in accordance with federal and state statutes and regulations.



**II.** The transfer shall include land and buildings, as well as any existing contract obligations and benefits. All income currently collected by the state from the property, such as hangar rentals and contract fees, shall accrue to the new owner, who will be responsible for maintaining and operating the airport: provided, however, that the state shall retain any aircraft hangars to which an outstanding bond obligation may be attributed, and the income from those hangars shall continue to be deposited to the Skyhaven hangar sinking fund account until such time as the bonds are paid, at which time the hangars shall be transferred to the new owner. *Until such time as the bonds are paid, the state treasurer shall have the authority to reallocate the debts in the Skyhaven hangar sinking fund account.*

**III.** Skyhaven airport shall be eligible for state grants to match federal grants for the capital improvement program in the same manner as other major airports in the state.

2 Extension of Date for Submission of Plan. Amend 1998, 317:3 to read as follows:

317:3 Submission of Plan. The long range capital planning and utilization committee and the Skyhaven airport operation commission shall submit the Skyhaven airport transfer plan to the governor and council, the speaker of the house of representatives, and the president of the senate by November 1, [1998] 2002.

3 Skyhaven Airport Maintenance and Operations Fund; Airport to be Self-funding. Amend RSA 422:49 to read as follows:

422:49 Skyhaven Airport Maintenance and Operations Fund.

**I.** There is hereby established the Skyhaven airport maintenance and operations fund, which shall be nonlapsing and continually appropriated to the division of aeronautics for the maintenance and operation of Skyhaven airport.

**II.** *Rental revenues from Hangars 2, 3 and 4 at Skyhaven airport which are not required to be deposited in the Skyhaven hangar sinking fund account for bond repayment shall be deposited in this fund. All other revenues from Skyhaven airport rentals, leases, fees, and the sale of goods and services at Skyhaven airport shall be deposited in this fund.*

4 Repeal. The following are repealed:

I. RSA 6:12, I(sss), relative to the Skyhaven airport maintenance and operations fund.

II. RSA 422:49, relative to the Skyhaven airport maintenance and operations fund.

5 Effective Date.

I. Section 2 of this act shall take effect upon its passage.

II. Sections 1 and 3 of this act shall take effect July 1, 2001.

III. The remainder of this act shall take effect July 1, 2003.

#### AMENDED ANALYSIS

This bill extends the reporting date for the Skyhaven transfer plan from November 1, 1998 to November 1, 2002. The bill requires that a transfer be completed by July 1, 2003.

This bill also allows the state treasurer to reallocate existing debts in the Skyhaven hangar sinking fund account. The bill requires certain revenues from Skyhaven airport to be deposited in the Skyhaven airport maintenance and operations fund.

**HB 692-FN-A**, adopting a single sales factor method of apportionment under the business profits tax. REFER FOR INTERIM STUDY

Rep. Jean R. Wallin for Finance: The Finance Committee recommends that this bill be placed in interim study. As with other pieces of legislation coming before us, we are loathe to jeopardize such a large source of general fund revenue. However, many members have long advocated use of the single sales factor to determine the business profits tax. By placing the bill in interim study, the Finance Committee can compare actual collections with model collections using the single sales factor. The information gleaned can then be used to further consider any changes. Vote 20-1.

**HB 747-FN-A-L**, relative to the education property tax and adequate education grants. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: In light of the adoption of a statewide property tax via HB 117, as well as the Supreme Court's action regarding the same, the committee finds that the current proposal, which also levies a statewide property tax, to be unnecessary. Certain policy aspects found in HB 747 but not in HB 117 have been debated and will continue to be examined by the Tax Equity and Efficiency Commission. Of particular discomfort to the committee is the mecha-



nism whereby the statewide property tax rate is set. In HB 747, the rate is not set in statute. Rather, the authority to set the tax rate each year is left to the Commissioner of the Department of Revenue Administration. Vote 21-0.

**SB 11-FN**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Finance: The Finance Committee recommends that the House find this bill Inexpedient to Legislate because it is virtually impossible to calculate the amount of revenue that would be lost or gained with passage of this bill. Finance further feels that this is not the time to place any general fund revenue in jeopardy. There were no supporters of the bill from the general public appearing at our hearings. Vote 21-0.

**HB 326-FN**, requiring the department of health and human services to survey home health care agencies for compliance with federal regulations for medicare. **INEXPEDIENT TO LEGISLATE**  
Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: New federal regulations require inspections of home health agencies for compliance with federal regulations for Medicare. It was discovered that two home health agencies that do not provide Medicare services were impacted by this. A representative of the Department of Health and Human Services told the subcommittee that this could be worked out in rules, and that no action would be taken for non-compliance until addressed in rules. The re-refer motion enabled that process to be followed through. The Department of Health and Human Services is now in the final stages of rulemaking on this matter and it appears this issue is being satisfactorily resolved. Vote 14-0.

**HB 568**, establishing a review panel to review judicial officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Judiciary: The subcommittee met several times on a series of judicial reform bills. We were very careful not to cross over the Constitution lines of authority. Through this legislation, the courts should now understand that the citizens of New Hampshire want judges to be courteous, efficient and competent. In this amendment, the committee provides in the Judicial Conduct statute that (1) performance evaluations will be done on all judges with input from attorneys, parties, witnesses, jurors, court personnel, etc. at least once every three years; (2) all complaints pertaining to judges will be passed (dismissed or not) between the Administrative Judge and the Judicial Conduct Committee; (3) the evaluations will be made available to the Governor and Executive Council upon nomination of judges to other judicial appointments; and (4) the court annually will file a report on the evaluation process. Vote 16-0.

#### **Amendment (2122h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a program for performance evaluations of judges.

1 New Paragraph; Complaints; Committee on Judicial Conduct. Amend RSA 490:30 by inserting after paragraph III the following new paragraph:

IV. In all cases, whether a complaint is dismissed or not, complaints received by the committee on judicial conduct shall be made available to the administrative judge of the court in which the judge complained against holds office. Furthermore, all complaints against judges received by the administrative judges of the superior court, the district court and the probate court shall be forwarded to the committee on judicial conduct.

2 New Subdivision; Judicial Performance Evaluations. Amend RSA 490 by inserting after section 31 the following new subdivision:

Judicial Performance Evaluations

490:32 Judicial Performance Evaluations.

I. The chief justice and a majority of the supreme court, in consultation with the administrative judges of the superior, district and probate courts, shall design and implement by court rule, a program for performance evaluation of judges. The sole purpose of this program shall be the improvement of the performance of individual judges and of the judiciary as a whole. Notwithstanding any law to the contrary, all information compiled through this program shall be confidential, except as otherwise provided in this section.

II. The program for performance evaluation shall include, but shall not be limited to, review of records of the supreme court's committee on judicial conduct which are public records under

supreme court Rule 40; a questionnaire, to be designed by the supreme court; and a self-evaluation form to be completed by the judge. The supreme court shall strive to achieve uniformity among court evaluation questionnaires, recognizing that the questionnaires for each court may differ due to the jurisdiction of the courts. Questionnaires shall be distributed to a representative sample of attorneys, parties, witnesses, jurors, court personnel, and others who have appeared before a judge during the evaluation period, for the purpose of evaluating the performance of the judge. The questionnaire shall include, but shall not be limited to, questions relative to the judge's performance, temperament and demeanor, judicial management skills, legal knowledge, attentiveness, bias and objectivity, and degree of preparedness. Completed forms shall be returned to the administrative judge, unsigned, within 30 days of issuance. All responses shall remain confidential.

III. The program for performance evaluation shall ensure that each judge is evaluated a minimum of once every 3 years.

IV. The chief justice of the supreme court shall evaluate the administrative judges of the superior, district and probate courts.

V.(a) The chief justice and a majority of the supreme court, in consultation with the administrative judges of the superior, district and probate courts, shall establish judicial evaluation standards, and shall design or determine appropriate programs for judges who need improvement in achieving the judicial evaluation standards. The supreme court shall establish disciplinary rules and may initiate disciplinary action when appropriate. If a judge fails to achieve judicial evaluation standards after 2 consecutive evaluations, or purposely fails to complete assigned programs, the judge's right to confidentiality shall be waived.

(b) Upon consideration of nomination for another judicial appointment, a judge's evaluations shall be made available to the governor upon request. Upon nomination, such evaluations shall be made available to the executive council upon request. The contents of such evaluations shall be kept in strict confidence by the governor and executive council.

(c) Judicial performance evaluations shall be retained by the judicial branch for the duration of the judge's tenure.

VI. The supreme court shall prepare a report on the implementation of the performance evaluation program described in this section within one year of the effective date of this section and submit such report to the governor, the speaker of the house, the president of the senate, and the chairpersons of the house and senate judiciary committees. Such report shall be made available to the public. Beginning in 2001, the supreme court shall annually file a report on the evaluation process, including, but not limited to, the number of evaluations performed by each court, the percentage of responses received, and, without identifying individual judges, a summary of the overall evaluation results and all actions taken to correct inadequacies and deficiencies. The annual report shall be submitted on or before June 30 of each year to the governor, the speaker of the house, the president of the senate, and the chairpersons of the house and senate judiciary committees. Such report shall be made available to the public.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the supreme court, in consultation with the administrative judges of the superior, district, and probate courts, to design and implement, by court rule, a program for performance evaluation of judges.

**HB 575**, limiting railroad liability for passenger and tourist rail service. REFER FOR INTERIM STUDY

Rep. Peter F. Bergin for Judiciary: The committee was concerned with setting a precedent of a liability cap of \$75,000,000 per occurrence annually and \$100,000,000 in the aggregate annually on "passenger rail service." It was also a concern that the rail owner would be fully exempt from total liability on the tracks that the commuter rail would operate on. As a result of these concerns, the committee voted somewhat reluctantly to send this bill to interim study even though most committee members have a genuine interest in perpetuating passenger rail service in the state where appropriate. Vote 18-0.

**HB 636-FN**, relative to public safety employee collective bargaining negotiations under the public employee labor relations act. REFER FOR INTERIM STUDY

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The Labor, Industrial and Rehabilitative Services Committee has put an extensive amount of work into the issue of public sector employee conflict resolutions. The committee desires more time to continue working on this bill in hopes of drafting a bill that will result in timely collective bargaining negotiations for public sector employees. Vote 16-0.

**HB 71-FN-L**, relative to authorizing agreements for the determination of each municipality's share of county costs. **INEXPEDIENT TO LEGISLATE**

Rep. Richard C. Leone for Municipal and County Government: Due to the complexity of this bill, the Committee unanimously voted to recommend it "Inexpedient to Legislate" at this time. However, the Municipal and County Government Committee already has a standing subcommittee to study county issues on a continual basis. This would include the subjects of HB 71, issues of proportionality, property equalization (statewide), the formulas used by cooperative school districts relative to numbers of students (usage) and property valuation, and the significance of per capita income of each community. Vote 15-0.

**HB 209**, relative to authorizing the consideration of traditional village patterns in local zoning ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: This bill would set up a traditional village pattern for local communities to adopt in their regulations to try to lessen the growth and impact of sprawl. The committee realizes that the local land use boards already have the ability to enact any innovative zoning regulations, which may or may not include a traditional village pattern. The issue of developing land in a manner that causes "sprawl" is being studied in the statutory study committee created by House Bill 288, Chapter 23:3, Laws of 1999. Therefore, the full committee felt that this specific bill was premature and wanted to let the full statutory committee do its work and will be looking forward to the report they will file in November of 2000. Vote 14-0.

**HB 226-L**, establishing municipality bond payment schedules and percentages. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gerard L. St. Cyr for Municipal and County Government: The sponsors of this bill originally asked to change the bond payment schedule from 2 percent (current law) to 10 percent intervals to pay off Tax Increment Financing (TIF) projects. Their argument was that considerable savings could be realized in interest if the bond could be retired earlier. The Department of Revenue Administration was concerned that this could create problems of back-loading, especially if some community leaders decided to hold off payments until the last few years, possibly leaving the community in financial difficulty. The Department was also concerned that some of our smaller towns may not have access to financial officers or expertise to guide them as some of the larger communities do. The Committee was satisfied with a compromise of 5 percent increments worked out with the sponsors and the Department of Revenue Administration. Vote 13-2.

#### **Amendment (2047h)**

Amend the bill by replacing section 1 with the following:

1 Issuance of Bonds; Payment Schedules; Amount Payable. Amend RSA 162-K:8 to read as follows:

162-K:8 Issuance of Bonds. The municipality may authorize, issue and sell general obligation bonds, which shall mature within 30 years from the date of issue, to finance the acquisition and betterment of real and personal property needed to carry out the development program within the development district together with all relocation costs incidental thereto. *Bonds issued under authority of this chapter shall be payable in annual payments which shall be so arranged that the amount of annual payment of principal and interest in any year on account of any bond shall not be less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of such payments shall be sufficient to extinguish the entire bond on account of which they are made at maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date thereof. Each authorized issue of bonds shall be a separate loan.* All dedicated tax increments received by the municipality pursuant to RSA 162-K:10 shall be pledged for the payment of these bonds and used to reduce or cancel the taxes otherwise required to be extended for that purpose, and the bonds shall not be included when computing the municipality's net debt under RSA 33.



**HB 285**, providing that equalized value of property in small towns be calculated as a multi-year average. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Municipal and County Government: This bill would allow towns with populations of less than 5000 to calculate their annual valuation by taking the average of equalized values over a 3-year period. Testimony from the Department of Revenue Administration expressed many concerns with this proposal. The Committee's major concerns were (1) population is not an appropriate measure to determine the need for using sales over a multi-year period, (2) the legislation conflicts with the different methods of assessment contained in HB 117 as it relates to the statewide education property tax, and (3) the Department of Revenue Administration now has the flexibility to use previous years sales in its calculations already. This bill would limit that flexibility. For those reasons, the committee unanimously concluded that the proposed legislation is not warranted. Vote 14-0.

**HB 391**, establishing a village plan alternative in zoning and land use planning laws. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill is premature due to the statutory committee currently studying the total issue of sprawl (HB 288, Chapter 23:3, Laws of 1999), along with several other committees studying this issue of unplanned growth. Reports are due in November 2000. Vote 14-0.

**HB 446-L**, subjecting certain land in the town of Newport to local land use regulations. **REFER FOR INTERIM STUDY**

Rep. Betsey L. Patten for Municipal and County Government: The committee received information and input regarding the issue of subjecting the ash landfill in the town of Newport to local land use regulations. Based on the fact that the landfill is "owned and operated by an unusual partnership of 29 towns in the two states of New Hampshire and Vermont" and is therefore considered a municipality, the local land use regulations are not applicable to this specific use. Currently, any change of ownership from the municipality to a private owner would require the private owner to comply with local land use regulations. The town of Newport also proposed a zoning change, which was adopted, that zoned the current parcel of land into a "solid waste district." Knowing that this issue is closely related to HB 379 which "sets up a study committee to study issues pertaining to the Sullivan County Regional Refuse Disposal District," the subcommittee voted to send the bill to Interim Study in order to be sure that the complex issues were discussed and viewed by the study committee, along with the members of the appointed subcommittee. The sponsor concurred with this action. Vote 14-0.

**HB 521-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: The intent of this legislation is to allow the governing body to vote to place an initial bond request on the warrant, even if the budget committee has voted "not to recommend" the initial bond request. Currently, if a budget committee makes this recommendation, the bond request does not go on the warrant for the local legislative body to vote on. In an MBA town/district, if the initial bond request is not recommended in its entirety by the budget committee, the governing body has the ability to call a duly posted meeting and have a majority vote to place the initial bond request on the warrant. Line 17, section II — the process by which the question would be put on the warrant is outlined in the bill. Line 28, section III — if the initial bond request is passed by the voters, the governing body is required to send a copy of the minutes where they took the vote to place the initial bond request on the warrant to the Department of Revenue Administration. Vote 14-0.

#### **Amendment (2053h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing municipalities that have adopted the municipal budget act to override the 10 percent limitation on exceeding appropriations recommended by the budget committee.

Amend the bill by replacing all after the enacting clause with the following:

§ 1 New Section; Legislative Body Override of Limitation of Appropriations. Amend RSA 32 by inserting after section 18 the following new section:



### 32:18-a Legislative Body Override of Limitation of Appropriations.

I. Notwithstanding any other provision of law, in any municipality electing this subdivision, or any district wholly within a town electing this subdivision, if an initial bond request is not recommended in its entirety by the budget committee, the governing body of such municipality, after a majority vote by the governing body of the municipality in favor of the initial bond request at a duly posted meeting, shall place the initial bond request on the warrant.

II. The legislative body of any municipality described in RSA 32:18-a, I, may approve an initial bond request despite the 10 percent limitation provided in RSA 32:18 in the following manner:

(a) The question shall be placed on the warrant.

(b) The wording of the question shall be: "Shall (the local political subdivision) override the 10 percent limitation on total appropriations beyond that recommended by the budget committee in order to approve the following appropriation (here insert initial bond request dollar amount and purpose)?" Immediately below the question on the warrant shall be displayed (1) the recommendation of the governing body and (2) the recommendation of the budget committee, as included in the budget forms for the annual meeting pursuant to RSA 32:5, IV.

(c) If those voting "Yes" on the question satisfy the requirements of RSA 33:8, the initial bond request is thereby approved.

III. If the initial bond request is approved pursuant to RSA 32:18-a, the governing body of such municipality shall forward a copy of the minutes of the duly posted meeting described in RSA 32:18-a, I to the commissioner of the department of revenue administration.

2 Appropriations Only at Annual or Special Meeting. Amend RSA 32:6 to read as follows:

32:6 Appropriations Only at Annual or Special Meeting. All appropriations in municipalities subject to this chapter shall be made by vote of the legislative body of the municipality at an annual or special meeting. No such meeting shall appropriate any money for any purpose unless that purpose appears in the budget or in a special warrant article, provided, however, that the legislative body may vote to appropriate more than, or less than, the amount recommended for such purpose in the budget or warrant, except as provided in RSA 32:18, *unless the municipality has voted to override the 10 percent limitation as provided in RSA 32:18-a.*

3 Appropriations at Special Meetings. Amend RSA 32:20 to read as follows:

32:20 At Special Meetings. So long as the provisions of this subdivision remain in force in any municipality, no appropriation shall be made at any special meeting for any purpose not approved by the budget committee, unless it is within the allowable 10 percent increase if RSA 32:18 has been adopted, except as provided in RSA 32:19 *or 32:18-a.*

4 Warning of Town Meetings. Amend RSA 39:2 to read as follows:

39:2 Warrant. The warrant for any town meeting shall be under the hands of the selectmen, and shall prescribe the place, day and hour of the meeting, and, if there is an election at said meeting, in which an official printed ballot containing more than one name is used, the warrant therefor shall prescribe the time the polls are to open and also an hour before which the polls may not close. A town meeting may vote to keep the polls open to a later hour but may not vote to close the polls at an earlier hour than that prescribed by the selectmen hereunder. The subject matter of all business to be acted upon at the town meeting shall be distinctly stated in the warrant, and nothing done at any meeting, except the election of any town officer required by law to be made at such meeting, shall be valid unless the subject thereof is so stated. Provided that in a case where the article in the warrant calls for the appropriation of a specific sum of money, the sum of money appropriated thereunder may be decreased or increased by the vote of the town, provided further that in a town under the municipal budget act no increase shall be valid which would violate the provisions of RSA 32:18, *except as provided in RSA 32:18-a.*

5 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill allows the governing body of a municipality operating under the municipal budget act to put an initial bond request not recommended by the budget committee on the warrant of a town meeting and override the 10 percent limitation on exceeding appropriations recommended by the budget committee.

**HB 569**, relative to the tax credit for service-connected total disability. OUGHT TO PASS WITH AMENDMENT

Rep. Anthony F. Simon for Municipal and County Government: The United States Department of Veterans' Affairs goes through a very detailed and exhaustive medical investigation before any veteran is rated as "totally and permanently disabled from service connection." There is a tax credit that the veteran may apply for and receive from the veteran's residential property. Assessors are the local entity who either approve or reject this tax credit. In some cases it may not be visible to the assessor that the veteran is "totally and permanently disabled from service connection." This amendment sets up a process for the assessor and the veteran to use if a question of disability arises. The actions of the veteran, through any specific contrary evidence brought by the assessing officials, are at issue, not the rating received from the Department of Veterans' Affairs. Vote 14-0.

#### Amendment (2004h)

Amend the bill by replacing section 1 with the following:

I Tax Credit for Service-Connected Total Disability. Amend RSA 72:35 to read as follows:  
72:35 Tax Credit for Service-Connected Total Disability

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has [a] total and permanent service-connected disability, or who is a double amputee or paraplegic because of [a] service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$700 of property taxes on [his] *the person's* residential property.

II. The tax credit in paragraph I may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III.(a) Any person applying for the tax credit granted in paragraph I shall furnish ~~[sufficient proof]~~ to the assessors or selectmen ~~[that the disability on which the tax credit is based is service connected. The]~~ *certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.*

(b) *Any decision to deny an application shall identify the evidence upon which the decision relied and shall be made within the time period provided by law.*

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

IV.(a) Upon its adoption by a city or town as provided in RSA 72:35-a, any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has [a] total and permanent service-connected disability, or who is a double amputee or paraplegic because of a service-connected injury, or the surviving spouse of such a person, shall receive a yearly tax credit in the amount of \$1,400 of property taxes on [his] *the person's* residential property.

(b) The tax credit in subparagraph (a) may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to the taxes due on any land or buildings appurtenant to the residence or to manufactured housing, if that is the principal place of abode.

(c) ~~[Any Person applying for the tax credit granted in subparagraph (a) shall furnish sufficient proof to the assessors or selectmen that the disability on which the tax credit is based is service connected. The]~~ *Applications for this credit shall be made in the manner prescribed by paragraph III. Any* tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as section 2.

**HB 641-L**, clarifying the value of public utility property for property tax purposes. REFER FOR INTERIM STUDY

Rep. Linda T. Foster for Municipal and County Government: The committee voted unanimously to refer this bill to interim study. The taxation of public utility property is a very important and com-

plex issue which is addressed in HB 117. It is currently being discussed and debated by the Tax Equity and Fairness Commission which was established by that bill. The Committee and the prime sponsor agreed that acting on this piece of legislation at this time would be precipitous. Vote 16-0.

**HB 696-FN-L**, relative to the taxation of land held by municipalities for water supply purposes. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: This bill would have provided a formula for land located in one municipality and held by another municipality for water supply purposes to be taxable. Since this may have affected some current payment in lieu of taxes the committee referred this bill to study. Then not knowing the outcome of the education funding and how land parcels will be taxed, and also knowing that the protection of our water resources is an important issue, the full committee decided to put this bill into Interim Study to keep our options open. Vote 14-0.

**SB 86**, relative to enforcement of the collection and payment of county taxes by the county treasurer. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Griffin for Municipal and County Government: The Committee agreed that there is a need to remove the obscurity relative to the county treasurer's authority to collect taxes from the individual towns (incorporated and unincorporated). Although, the Committee did not feel comfortable giving counties unlimited authority, it did opt to spell out a process whereby the county treasurer has the option of going to the superior court of the county of the community involved, to attach pecuniary assets. Vote 13-2.

#### Amendment (2017h)

Amend the bill by replacing all after the enacting clause with the following:

1 County Treasurers and County Taxes; Tax Warrants; Enforcement. Amend RSA 29:11, I to read as follows:

I. The treasurer shall issue [his] a warrant to the selectmen of the several towns in the county liable to pay state taxes, requiring them to assess, collect, and pay to the treasurer, within such time as shall be therein directed, their just proportion of all taxes granted by the county convention according to their proportion of public taxes for the time being, and shall enforce the collection and payment thereof, together with interest at 10 percent a year from December 17 upon all taxes not then paid, [~~in the same manner as the state treasurer may enforce the collection of state taxes;~~] and the county tax assessed against any town shall not be deemed paid until the whole amount of the warrant together with said interest from December 17 to the date of payment has been received by said treasurer. If December 17 fall upon a Saturday, Sunday, or legal holiday, the due date for payment of taxes shall be the first business day following December 17. If December 17 falls upon a Saturday, Sunday, or legal holiday, the interest payment penalty on taxes not paid when due shall be computed from the first business day following December 17 to the date on which payment is actually made. *If the county tax is not paid in full, the county treasurer may petition the superior court in the county in which the town is located, to attach the town's pecuniary assets in the amount owed to the county.*

2 Effective Date. This act shall take effect July 1, 2000.

#### AMENDED ANALYSIS

This bill grants the county treasurer the power to petition the superior court to enforce the collection of county taxes from towns.

**SB 89-L**, relative to library trustees. OUGHT TO PASS WITH AMENDMENT

Rep. Priscilla P. Lockwood for Municipal and County Government: This bill enables towns to appoint up to three alternate library trustees and authorizes payment schedules for library appropriations, as agreed to by the trustees and the governing board. Vote 16-0.

#### Amendment (2036h)

Amend the bill by replacing all after section I with the following:

2 Public Libraries; Library Trustees; Alternates; Custody and Management of Appropriations. Amend RSA 202-A:6 to read as follows:

202-A:6 Library Trustees; Election; *Alternates*. The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto,



[except] *including appropriations held pursuant to RSA 202-A:11, III, but excepting* trust funds held by the town. Any town having a public library shall, at a duly warned town meeting, elect a board of library trustees consisting of any odd number of persons which the town may decide to elect. Such trustees shall serve staggered 3-year terms or until their successors are elected and qualified. *There may be no more than 3 alternates as provided in RSA 202-A:10.*

3 Library Trustees; Vacancies; Alternates. Amend RSA 202-A:10 to read as follows:

202-A:10 Library Trustees; Vacancies; *Alternates*. Vacancies occurring on any board of library trustees in a town shall be filled as provided in RSA 669:75. A vacancy occurring among the publicly elected members of the board of library trustees of a city library shall be filled by the city council or other appropriate appointing authority within 2 months of the notice by the remaining members of the board of trustees. The board of library trustees may recommend to the appointing authority names of persons for appointment to vacancies on expired terms. *The board of library trustees may recommend to the appointing authority the names of no more than 3 persons who may serve as alternate members on the board when elected members of the board are unable to attend a board meeting. The alternate members shall be appointed to one-year terms.*

4 Library Trustees; Powers and Duties. Amend RSA 202-A:11, III to read as follows:

III. Expend all moneys raised and appropriated by the town or city for library purposes *and shall direct that such moneys be paid over by the town or city treasurer pursuant to a payment schedule as agreed to by the library trustees and the selectmen or city council.* All money received from fines and payments for lost or damaged books or for the support of a library in another city or town under contract to furnish library service to such town or city, shall be used for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment, shall be held in a nonlapsing separate fund and shall be in addition to the appropriation;

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires library trustees to direct that funds raised and appropriated for library purposes be paid over by the town or city treasurer according to a payment schedule agreed upon by the library trustees and the town selectmen or city council.

This bill also allows the appointment of alternate library trustees.

**SB 207-FN**, relative to authorizing bonds for the construction and renovation of regional vocational education centers. **INEXPEDIENT TO LEGISLATE**

Rep. Edwin O. Smith for Public Works and Highways: This bill is not needed as it was similar to HB 413 and the committee incorporated everything into one bill. The subject matter is all in HB 413. Vote 17-0.

**HB 212**, relative to local ordinances or regulations affecting groundwater withdrawals. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, as introduced, would give municipalities the final say on the permitting of large groundwater withdrawals. During the hearing process and committee deliberations, there was little support for this change since aquifers often cross political boundaries and therefore lend themselves to regional or statewide control. However, there were many important related issues concerning groundwater withdrawals discussed during the process. These included possible fees or taxes on certain groundwater withdrawals, consideration of an allocation process for water, zoning issues, and several others. These issues are the subject of several bills introduced in the 2000 session. This bill was voted "Inexpedient to Legislate" overwhelmingly by the committee. Vote 14-0.

**HB 539-FN**, relative to public access to Squam Lake. **REFER FOR INTERIM STUDY**

Rep. Michael D. Whalley for Resources, Recreation and Development: Public access to Squam Lake has been and continues to be an issue of significant importance to the State of New Hampshire. This issue has been before the Legislature for well over twenty years and numerous attempts have been made by the state to locate and develop an access site. It would appear that the Fish and Game Department, with the cooperation of the Department of Transportation and other interested parties, is close to completing the plans and agreements for a public access site as defined by RSA 271:20-a on Squam Lake. (RSA 271:20-a is legal passage to any of the public waters of the state by way of designated contiguous land owned or controlled by a state agency, assuring that all members of



the public shall have access to and use of the public waters for recreational purposes.) Because this latest attempt may still require the Legislature's involvement, the committee felt that interim study was the best recommendation. Vote 14-0.

**HB 543**, relative to fill and dredge permits for breakwaters. **REFER FOR INTERIM STUDY**  
Rep. David M. Lawton for Resources, Recreation and Development: HB 543 would prohibit breakwaters on lakes other than Lake Winnepesaukee. The Department of Environmental Services has recently finalized rules relative to breakwaters that fulfill the intent of this bill. However, the committee did not have time to properly address other changes in the rules relative to breakwaters and would like to further study this important lakes issue. Vote 13-0.

**HB 386**, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail. **REFER FOR INTERIM STUDY**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The problem of Internet service providers being deluged by unsolicited electronic mail appears to have occasionally disrupted service to customers. Several other states have enacted legislation attempting to remediate this problem. However, none of these efforts seem to yet solve the problem; to date, counter-measures have been too effective. The committee recommends interim study so we can continue to seek effective solutions before enacting legislation. Vote 17-1.

**HB 407**, relative to unsolicited telephone sales by competitive telephone and electricity providers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: As amended, HB 407 establishes a study committee to review issues related to unsolicited commercial telephone solicitation calls. Among these issues are determining the effectiveness of existing rules and examining the need for increased public awareness of these rules; studying the costs, benefits and legality of restrictions and/or guidelines for such calls; examining whether any restrictions should apply to all businesses or just telephone and electric service providers, etc. The committee believes that many New Hampshire residents are frustrated with such calls and that it is appropriate to study the matter and consider options. Vote 16-2.

#### **Amendment (2135h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study unsolicited commercial telephone solicitation calls.  
Amend the bill by replacing all after the enacting clause with the following:

#### **1 Purpose. The general court finds that:**

I. Unsolicited commercial telephone solicitation calls are perceived by many residents of the state of New Hampshire as a nuisance.

II. Methods have been implemented to date for reducing the perceived nuisance of receiving such unsolicited calls, including caller identification and no-call lists. However, these methods have been viewed by many residents as inadequate because the telephone is the primary means of emergency communication for most people and residents still need to interrupt their current activities to check whether the call is from a friend or relative, possibly from a location not previously known.

III. A study committee should carefully examine various options for creating and enforcing restrictions on such unsolicited calls.

2 Committee Established. There is established a committee to study and review issues related to unsolicited commercial telephone solicitation calls.

#### **3 Membership and Compensation.**

##### **I. The members of the committee shall be as follows:**

(a) Three members of the house of representatives, at least one of whom shall be from the science, technology and energy committee and at least one of whom shall be from the commerce committee, appointed by the speaker of the house. The speaker of the house may appoint up to 3 other members, if deemed necessary, as alternates.

(b) At least 2 but not more than 3 members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

##### **4 Duties. The committee shall be responsible for the following:**

I. Monitoring and assessing the effectiveness of existing and future methods of attempting to reduce or eliminate unsolicited commercial telephone solicitation calls to those residents of New Hampshire who do not wish to receive them.

II. Monitoring, assessing, and suggesting changes in public utilities commission information designed to inform customers of their rights under telephone and electric service deregulation.

III. Studying the relative benefits, relative costs, legality under federal laws including federal telecommunications laws, and feasibility of restrictions on unsolicited commercial telephone solicitation calls, ranging from restrictions on the number and nature of such calls to prohibition of such calls.

IV. Examining whether penalties, if any, should include not only fines, but also the suspension of a violator's right to provide certain services, such as the provision of competitive telephone or electric service, within the state.

V. Examining whether restrictions, if any, on unsolicited commercial telephone solicitation calls should be placed on persons engaged in all businesses, or whether restrictions should be limited and placed only on persons engaged in businesses where restrictions could be more easily enforced, such as competitive telephone or electric service providers that must register with the state before providing service.

VI. Studying whether if restrictions are placed, residents not wishing to receive unsolicited commercial telephone solicitation calls should opt in to the restrictions, or whether residents wishing to receive unsolicited commercial telephone solicitation calls should opt out of the restrictions.

5 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study and review issues related to unsolicited commercial telephone solicitation calls.

**HB 611**, relative to performance standards for telephone companies providing noncompetitive services. **INEXPEDIENT TO LEGISLATE**

Rep. Jacqueline A. Pitts for Science, Technology and Energy: House Bill 611 would have permitted the Public Utilities Commission to set performance standards for telephone utilities such as installation standards, etc. It was determined that the authority to set such standards currently exists and after reporting and data collection methods have been resolved by the utilities and the Public Utilities Commission, the committee felt that at this time further legislation was not necessary. Vote 18-0.

**HB 560-FN**, relative to the suspension or revocation of youth operators' licenses. **REFER FOR INTERIM STUDY**

Rep. Sherman A. Packard for Transportation: The committee received information from the Department of Safety that the numbers of suspensions of those under 20 years old is in decline, clearly indicating that this law is working. The Department of Safety is in the process of making rule changes to certain violations that will clear up suspensions of non-moving violations. The Department of Safety is evaluating new programs that may be used to substitute license suspension for under 20 year old drivers. In light of these developments, the committee felt that we should refer this bill to "Interim Study" to follow the progress of the Department of Safety regarding this issue. Vote 13-0.

**HB 280-FN**, establishing a point system for the annual moose permit lottery. **REFER FOR INTERIM STUDY**

Rep. Ronald J. Nowe for Wildlife and Marine Resources: The subcommittee for re-referred HB 280-FN met on several occasions to discuss and evaluate the merits of this proposal. After an extensive review of several state moose hunting regulations, the committee agreed that this bill had merit and should be studied further. The State of Maine has had a point system in effect for a little

over a year and is still ironing out its problems. We would like to follow and evaluate their point system so we do not have to "reinvent the wheel" should we choose to implement a point system in New Hampshire. Vote 13-0.

## REGULAR CALENDAR

### **HB 637-FN, including persons who make medical decisions as practicing medicine. OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: The unanimous vote of support from the committee for the amendment to House Bill 637 is testimony to the commitment of the committee to provide greater protection for New Hampshire consumers enrolled in managed care plans. The amendment requires that managed care entities employ a medical director who shall be licensed as a physician in New Hampshire. In addition, it extends the jurisdiction of the Board of Medicine to medical directors in alleged cases of professional misconduct. The intent of such language is to insure that medical directors will be held to the same level of accountability and professional standards as any other physician holding a New Hampshire medical license. The amendment also requires that a medical director be added to the Board of Medicine's review committee to insure a fair and impartial review of any alleged professional misconduct complaint against any other medical director. The legislation also prohibits contracts between health carriers and participating providers from including financial incentives to deny medically necessary care. The remaining sections of the bill create an independent external consumer appeal process to review certain determinations made by managed care entities. As part of the internal and external appeal process, the amendment requires that health insurers disclose certain information necessary for consumers to hold managed care entities accountable for healthcare treatment decisions. A significant change from earlier legislation is that the Commissioner of Insurance will now select the independent review organization for external grievances. Additionally the threshold below which a consumer will not be able to apply for a review has been lowered to \$400. Finally, the implementation date has been changed from January 1, 2001 to 180 days after passage so that consumers may have the chance to benefit from this legislation as soon as possible. Vote 12-0.

### **Amendment (2203h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Medical Directors. Amend RSA 329:17 by inserting after paragraph III-a the following new paragraph:

III-b. Any referral by the insurance commissioner under RSA 420-J:5-e, VII or any complaint alleging professional misconduct of a medical director shall be received and reviewed by the board in accordance with the provisions of this section for potential disciplinary action. For the purposes of this paragraph, "medical director" means a physician licensed under this chapter who is employed by a health carrier or medical utilization review entity and is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

2 Medical Review Subcommittee; Medical Director. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of 7 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and 6 other persons, no more than 5 of whom shall be physicians, *one of whom shall be a medical director as defined in paragraph III-b of this section.* Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, *except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA*



**420-J shall not be reviewed until the grievance process has been completed.** Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ a physician as a medical review subcommittee administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.

3 New Section; Medical Directors Required. Amend RSA 420-E by inserting after section 2 the following new section:

420-E:2-a Medical Director. Every medical utilization review entity licensed by the department under this chapter shall employ a medical director licensed under RSA 329.

4 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXV the following new paragraph:

XXV-a. "Medical director" means a physician licensed under RSA 329 and employed by a health carrier or medical utilization review entity who is responsible for the utilization review techniques and methods of the health carrier or medical utilization review entity and their administration and implementation.

5 New Paragraph; Medical Director Required. Amend RSA 420-J:6 by inserting after paragraph IV the following new paragraph:

V. Each health carrier that conducts utilization review shall employ a medical director who shall have responsibility for all utilization review techniques and methods and their administration and implementation. Nothing in this section shall be construed to preclude a medical director from consulting with or relying on the advice of a physician licensed in this state or any other state. Nothing in this section shall be construed as expanding the professional or personal liability of a medical director.

6 Information Provided to Covered Persons. Amend RSA 420-J:5, II(a) – (e) to read as follows:

(a) A description of the *internal* grievance procedure *required under RSA 420-J:5* for adverse determinations and other matters ~~[which]~~ *and a description of the process for obtaining external review under RSA 420-J:5-a – RSA 420-J:5-e. These descriptions* shall be set forth in or attached to the policy, certificate, membership booklet, or other evidence of coverage provided to covered persons.

(b) A statement of a covered person's right to contact the commissioner's office for assistance at any time. The statement shall include the toll-free telephone number and address of the commissioner.

(c) Upon written denial of a requested medical service or claim by the health carrier, a statement of the covered person's right to access the internal grievance process *and the process for obtaining external review. This statement shall also include a written explanation of any adverse determination, with the name and credentials of the health carrier medical director, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. If the person making the adverse determination is not the medical director but a designee, then the credentials, board status, and state or states of current license shall also be provided for that person. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts.*

(d) Staff assistance in filing *an internal* grievance.

(e) ~~[If requested by the consumer or health care provider acting on behalf of the consumer, a written explanation of any adverse determination, with the name and credentials of the health carrier medical director or designee, including board status and the state or states where the person is currently licensed, and the relevant clinical rationale used to make the adverse determination. Nothing in this section shall be construed to require a health carrier to provide proprietary information protected by third party contracts]~~ *Any clinical review criteria that are used by the health carrier as the basis of a decision to modify, delay, or deny services in a specified case under review, shall be disclosed to the provider and the enrollee in that specified case. Such disclosure shall be accompanied by the following notice: "The materials provided to you are criteria used by this plan to authorize, modify, or deny care for persons with similar illnesses or conditions. Specific care and treatment may vary depending on individual need and the benefits covered under your*

*contract.” The criteria used by the carrier, or any entity with which the carrier contracts for services that include utilization review or utilization management functions to determine whether to authorize, modify, or deny health care services shall be:*

- (1) Developed with involvement from actively practicing health care providers;*
- (2) Consistent with sound clinical principles and processes; and*
- (3) Evaluated and updated if necessary, at least annually.*

7 Second Level Grievance; Notice Required. Amend RSA 420-J:5, V(a)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. Upon concurrence of the covered person, a copy of the decision shall be forwarded to the insurance department. The decision shall include the titles of the members of the review panel; a statement of the review panel’s understanding of the nature of the grievance, including issues raised by the covered person, and all pertinent facts; the rationale for the review panel’s decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person’s right to file an external appeal as provided in RSA [420-J:5, VIII] **420-J:5-a – RSA 420-J:5-e. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.**

8 Review Panel; Notice Required. Amend RSA 420-J:5, V(b)(3) to read as follows:

(3) The review panel shall issue a written decision to the covered person within 5 business days of completing the review meeting. The decision shall include the titles of the members of the review panel; a statement of the review panel’s understanding of the nature of the grievance and all pertinent facts; the rationale for the review panel’s decision; reference to evidence or documentation considered by the review panel in making the decision; if an adverse decision is made, the instructions for requesting a written statement of the clinical rationale, including the clinical review criteria used to make the determination; and a statement of the covered person’s right to file an external appeal as provided in RSA [420-J:5, VIII] **420-J:5-a – RSA 420-J:5-e. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.**

9 Expedited Internal Grievance Review. Amend RSA 420-J:5, VI(e) to read as follows:

(e) In any case where the expedited review process does not resolve a difference of opinion between the health carrier and the covered person or the provider acting on behalf of the covered person, the covered person or the provider acting on behalf of the covered person may submit a written grievance, unless the provider is prohibited from filing a grievance by federal or other state law. A health carrier shall review it as a second level grievance. In conducting the review, the health carrier shall ~~[adhere to time frames that are reasonable under the circumstances]~~ **make a decision and notify the covered person as expeditiously as the covered person’s medical condition requires, but in no event more than 72 hours after the grievance is submitted.**

10 New Paragraph; Notice Required. Amend RSA 420-J:5, by inserting after paragraph IX the following new paragraph:

X. If the covered person has requested first or second level, standard or expedited review and the health carrier has not issued a decision within the required time frames, then the health carrier shall promptly provide the covered person with a statement of the covered person’s right to file an external appeal as provided in RSA 420-J:5-a – RSA 420-J:5-e. The statement of appeal rights shall include a description of the process for obtaining external review of a determination, a copy of the written procedures governing external review, including the required time frames for requesting external review, and notice of the conditions under which expedited external review is available.

11 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph III the following new paragraph:

III-a. “Authorized representative” means a person to whom a covered person has given consent to represent the covered person in an external review. Authorized representative may include the covered person’s treating provider.

12 New Paragraph; Definition Added. Amend RSA 420-J:3 by inserting after paragraph XXIII the following new paragraph:

XXIII-a. "Independent review organization" means an entity that employs or contracts with clinical peers to conduct independent external reviews of health carrier determinations.

13 New Sections; External Review. Amend RSA 420-J by inserting after section 5 the following new sections:

420-J:5-a Right to External Review.

I. A covered person shall have the right to independent external review of a health carrier determination when all of the following conditions apply:

(a) The subject of the request for external review is an adverse determination;

(b) The covered person has completed the internal review procedures provided by the health carrier pursuant to RSA 420-J:5, III through VI, or the health carrier has agreed to submit the determination to independent external review prior to completion of internal review, or the covered person has requested first or second level, standard or expedited review and has not received a decision from the health carrier within the required time frames;

(c) The covered person or the covered person's authorized representative has submitted the request for external review in writing to the commissioner within 180 days of the date of the health carrier's second level denial decision provided pursuant to RSA 420-J:5, V or VI, or if the health carrier has failed to make a first or second level, standard or expedited review decision that is past due, within 180 days of the date the decision was due;

(d) The covered person's cost for the amount in controversy is, or is anticipated to be, equal to or in excess of a total of \$400;

(e) The health carrier determination does not relate to any category of health care services that is excluded from the external review provisions of this chapter pursuant to paragraph II; and

(f) The request for external review is not based on a claim or allegation of provider malpractice, professional negligence, or other professional fault excluded from the external review provisions of this chapter pursuant to paragraph III.

II. Determinations relating to the following health care services shall not be reviewed under this chapter, but shall be reviewed pursuant to the review processes provided by applicable federal or state law:

(a) Health care services provided through medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), medicare or services provided under these programs but through a contracted health carrier.

(b) Health care services provided to inmates by the department of corrections.

(c) Health care services provided pursuant to a health plan not regulated by the state, such as self-funded plans administered by an administrative services organization or third-party administrator or federal employee benefit programs.

III. The external review procedures set forth in this chapter shall not be utilized to adjudicate claims or allegations of health care provider malpractice, professional negligence, or other professional fault against participating providers or medical directors.

420-J:5-b Standard External Review. Standard external review shall be conducted as follows:

I. Within 7 business days after the date of receipt of a request for external review, the commissioner shall complete a preliminary review of the request to determine whether:

(a) The individual is or was a covered person under the health benefit plan;

(b) The determination that is the subject of the request for external review meets the conditions of eligibility for external review stated in RSA 420-J:5-a, I; and

(c) The covered person has provided all the information and forms required by the commissioner that are necessary to process a request for an external review.

II. Upon completion of the preliminary review pursuant to paragraph I, the commissioner shall immediately notify the covered person or the covered person's authorized representative in writing:

(a) Whether the request is complete; and

(b) Whether the request has been accepted for external review.

III. If the request is not complete, the commissioner shall inform the covered person or the covered person's authorized representative what information or documents are needed to make the request complete and to process the request. The covered person or the covered person's authorized representative shall submit such information or documentation within 10 days of being notified that the request was incomplete.



IV. If the request for external review is accepted, the commissioner shall:

(a) Include in the notice provided to the covered person pursuant to paragraph II a statement that if the covered person wishes to submit new or additional information or to present oral testimony via teleconference, such information shall be submitted, and the oral testimony shall be scheduled and presented, within 20 days of the date of issuance of the notice. However, the notice shall also explain that oral testimony shall be permitted only in cases when the commissioner determines, based on evidence provided by the covered person, that it would not be feasible or appropriate to present only written testimony.

(b) Immediately notify the health carrier in writing of the request for external review and its acceptance.

V. If the request for external review is not accepted, the commissioner shall inform the covered person or the covered person's authorized representative and the health carrier in writing of the reason for its non-acceptance.

VI. At the time a request for external review is accepted, the commissioner shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the external review. The commissioner shall not select the same independent review organization for each external review, but shall rotate among the certified independent review organizations, using all organizations equally. The commissioner may select an independent review organization regardless of the rotation if the commissioner determines that the use of such independent review organization is necessary for the fair adjudication of the case in question.

VII. Within 10 days after the date of issuance of the notice provided pursuant to subparagraph IV(b), the health carrier or its designated utilization review organization shall provide to the selected independent review organization and to the covered person all information in its possession that is relevant to the adjudication of the matter in dispute, including but not limited to:

(a) The terms of agreement of the health benefit plan, including the evidence of coverage, benefit summary or other similar document;

(b) All relevant medical records, including records submitted to the carrier by the covered person, the covered person's authorized representative, or the covered person's treating provider;

(c) A summary description of the applicable issues, including a statement of the health carrier's final determination;

(d) The clinical review criteria used and the clinical reasons for the determination;

(e) The relevant portions of the carrier's utilization management plan;

(f) Any communications between the covered person and the health carrier regarding the internal or external review; and

(g) All other documents, information, or criteria relied upon by the carrier in making its determination.

VIII. Failure by the health carrier or the covered person to provide the documents and information required in paragraph IV(a) or VII within the specified time frame shall not delay the conduct of the external review.

IX. The selected independent review organization shall review all of the information and documents received from the carrier pursuant to paragraph VII and any other information submitted by the covered person or the covered person's authorized representative or treating provider with the request for external review or pursuant to subparagraph IV(a) and any testimony provided. In addition to the information provided by the health carrier and the covered person or the covered person's authorized representative or treating provider, the independent review organization may consider any applicable, generally accepted clinical practice guidelines, studies or research, including those developed or conducted by the federal government, national or professional medical societies, boards and associations. The independent review organization shall consider anew all previously determined facts, allow the introduction of new information, and make a decision that is not bound by decisions or conclusions made by the health carrier during internal review.

X. The selected independent review organization shall render a decision upholding or reversing the determination of the health carrier and notify the covered person or the covered person's authorized representative and the health carrier in writing within 20 days of the date that any new or additional information from the covered person is due pursuant to subparagraph IV(a). This notice shall include a written review decision that contains a statement of the nature of the grievance, references to evidence or documentation considered in making the decision, findings of fact, and the clinical and legal rationale for the decision, including, as applicable, clinical review criteria and rulings of law.

420-J:5-c Expedited External Review. Expedited external review shall be conducted as follows:

I. Expedited external review shall be available when the covered person's treating health care provider certifies to the commissioner that adherence to the time frames specified in RSA 420-J:5-b would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function.

II. Except to the extent that it is inconsistent with the provisions of this paragraph, all requirements for the conduct of standard external review specified in RSA 420-J:5-b shall apply to expedited external review.

III. At the time the commissioner receives a request for an expedited external review, the commissioner shall immediately make a determination whether the request meets the standard set forth in paragraph I for expedited external review, as well as the reviewability requirements set forth in RSA 420-J:5-b, I. If these conditions are met, the commissioner shall immediately notify the health carrier. If the request is not complete, the commissioner shall immediately contact the covered person or the covered person's authorized representative and attempt to obtain the information or documents that are needed to make the request complete.

IV. The commissioner shall select an independent review organization that is certified pursuant to RSA 420-J:5-d, I to conduct the expedited external review.

V. The health carrier or its designated utilization review organization shall provide or transmit the documents and information specified in RSA 420-J:5-b, VII to the selected independent review organization by telephone, facsimile or any other available expeditious method within one business day of receiving the commissioner's notice of the request for expedited external review pursuant to paragraph III.

VI. When handling a review on an expedited basis, the selected independent review organization shall make a decision and notify the carrier and the covered person as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the expedited external review is requested.

VII. If the notice provided pursuant to paragraph VI was not in writing, within 2 business days after the date of providing that notice, the selected independent review organization shall:

(a) Provide written confirmation of the decision to the covered person or the covered person's authorized representative and the health carrier; and

(b) Include the information set forth in RSA 420-J:5-b, X.

VIII. An expedited external review shall not be provided for determinations made by the health carrier on a retrospective basis.

IX. A covered person shall not be held liable to either the health plan, the hospital, the physician, or the services provider for the cost of services in excess of the applicable copayment, coinsurance, or deductible incurred, pending the independent review organization's determination of an expedited external review.

420-J:5-d Certification of Independent Review Organizations.

I. The certification of independent review organizations shall be conducted as follows:

(a) The commissioner shall certify independent review organizations eligible to be selected to conduct external reviews under this section to ensure that an independent review organization satisfies the minimum qualifications established under paragraph II.

(b) The commissioner shall develop an application form for initially certifying and recertifying independent review organizations to conduct external reviews.

(c) Independent review organizations wishing to be certified shall submit the application form and include all documentation and information necessary for the commissioner to determine whether the independent review organization satisfies the minimum qualifications established under paragraph II.

(d) The commissioner may determine that accreditation by a nationally recognized private accrediting entity with established and maintained standards for independent review organizations that meet or exceed the minimum qualifications established under paragraph II is sufficient for certification under this paragraph.

(e) The commissioner shall maintain and periodically update a list of certified independent review organizations.

(f) Whenever the commissioner determines that an independent review organization no longer satisfies the minimum qualifications established under paragraph II, the commissioner shall

terminate the certification of the independent review organization and remove it from the list of certified independent review organizations that is maintained by the commissioner pursuant to subparagraph 1(e).

II. To be certified under paragraph I to conduct external reviews, an independent review organization shall meet the following minimum qualifications:

(a) It shall develop and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process.

(b) It shall establish and maintain a quality assurance program that:

(1) Ensures that external reviews are conducted within the specified time frames and required notices are provided in a timely manner;

(2) Ensures the selection of qualified and impartial clinical peer reviewers to conduct external reviews on behalf of the independent review organization with suitable matching of reviewers to specific cases;

(3) Ensures the confidentiality of medical and treatment records; and

(4) Ensures that any person employed by or under contract with the independent review organization adheres to the requirements of this section.

(c) It shall agree to maintain and provide to the commissioner such information as may be required to fulfill the provisions and purposes of this section.

(d) It shall assign clinical peer reviewers to conduct external reviews who are physicians or other appropriate health care providers and who:

(1) Are experts in the treatment of the covered person's medical condition that is the subject of the external review;

(2) Are knowledgeable about the recommended health care service or treatment through actual clinical experience;

(3) Hold a non-restricted license in a state of the United States and, for physicians, a current certification by a specialty board recognized by the American Board of Medical Specialties in the area or areas appropriate to the subject of the external review;

(4) Have no history or disciplinary actions or sanctions that have been taken or are pending by any hospital, governmental agency, or regulatory body; and

(5) Have agreed to disclose any potential conflict of interest.

(e) It shall be free of any conflict of interest. To meet this qualification, an independent review organization may not own or control or in any way be owned or controlled by a health carrier, a national, state or local trade association of health carriers, or a national state or local trade association of health care providers. In addition, in order to qualify to conduct an external review of a specific case, neither the independent review organization selected to conduct the external review nor any clinical peer reviewer assigned by the independent organization to conduct the external review may have a material professional, familial or financial interest in any of the following:

(1) The health carrier that is the subject of the external review;

(2) Any officer, director or management employee of the health carrier that is the subject of the external review;

(3) The health care provider or the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

(4) The facility or institution at which the recommended health care service or treatment would be provided;

(5) The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review; or

(6) The covered person or the covered person's authorized representative.

(f) Its charges for services provided shall be competitive and reasonable.

(g) For the purpose of allowing in-state health care providers to act as clinical peer reviewers in the conduct of external reviews, the commissioner may determine, in specific cases, that an affiliation with a hospital, an institution, an academic medical center, or a health carrier provider network does not in and of itself constitute a conflict of interest which is sufficient to preclude that provider from acting as a clinical peer reviewer, so long as the affiliation is disclosed to the covered person or the covered person's authorized representative.

(h) The following organizations shall not be eligible for certification to conduct external reviews:



- (1) Professional or trade associations of health care providers;
- (2) Subsidiaries or affiliates of such provider associations;
- (3) Health carrier or health plan associations; and
- (4) Subsidiaries or affiliates of health plan or health carrier associations.

#### 420-J:5-e General Provisions Regarding External Review.

I. The health carrier against which a request for external review is filed shall pay the cost of the external review. Such costs shall not exceed \$1,500. The commissioner shall notify the independent review organizations of the cost limitation for conducting an external review. The cost for an external review may exceed \$1,500 if the commissioner determines an additional cost is necessary to ensure the fair adjudication of the case in question.

II. An independent review organization shall maintain all standards of confidentiality. The records and internal materials prepared for specific reviews by an independent review organization under this section shall be exempt from public disclosure under RSA 91-A.

III. An external review organization acting in good faith shall have immunity from any civil or criminal liability or professional discipline as a result of acts or omissions with respect to any external review, unless the acts or omissions constitute willful and wanton misconduct.

IV. The right to external review under this chapter shall not be construed to change the terms of coverage under a health benefit plan nor shall the health carrier retaliate against the covered person for exercising his or her right to an independent external review.

V. When requested by the covered person, the commissioner shall provide consumer assistance in pursuing the internal grievance procedures under RSA 420-J:5 and the external review process under RSA 420-J:5-a – 420-J:5-e.

VI. The commissioner shall report annually to the governor and the legislature on the number of grievances subjected to external review, the number of decisions resolved wholly or partially in favor of the covered person, and the number of decisions resolved wholly or partially in favor of the health carrier. Such reports shall also include a separate statement of the number of cases in which the external review was terminated as a result of a reversal by the health carrier of its adverse determination after the receipt of new or additional information from the covered person or the covered person's authorized representative and the number of cases in which the covered person and the health carrier agreed to resolve the dispute prior to a final determination by the independent review organization.

VII. If, based on the evidence presented during the external review process, the commissioner determines that the health carrier's medical director, in the conduct of his or her duties, may have committed professional misconduct within the meaning of RSA 329:17, VI, the commissioner shall document such findings and transmit them in a separate report to the board of medicine.

14 New Paragraphs; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph VII the following new paragraphs:

VIII. No contract between a health carrier and a participating provider shall contain any payment or reimbursement provision the terms of which creates an inducement for the provider to not provide medically necessary care to covered persons. Nothing in this section shall be construed to prohibit the use of payment arrangements between a health carrier and a participating provider or provider group which involve capitation, withholds or other arrangements.

IX. The health carrier shall provide to covered persons, in the evidence of coverage, a description for the types of financial arrangements contained in its contracts with participating providers. Such descriptions shall be set forth in clear, understandable language.

X. Every contract between a health carrier and a participating provider shall provide that the health carrier may not remove a health care provider from its network or refuse to renew the health care provider with its network for participating in a covered person's internal grievance procedure or external review.

15 Repeal. RSA 420-J:5, VIII and IX, relative to external process and annual report, are repealed.

16 Effective Date. This act shall take effect 180 days after its passage.

#### AMENDED ANALYSIS

This bill creates an independent external consumer appeal process to review certain determinations made by managed care entities. The bill requires health carriers that conduct utilization review and licensed utilization review entities to employ a medical director who shall be licensed as a physician. The bill prohibits contracts between health carriers and participating providers from

including provisions that create financial incentives to deny medically necessary care. The bill requires that health insurers disclose certain information necessary for consumers to hold managed care entities accountable for health care treatment decisions. The bill also extends the jurisdiction of the board of medicine to include disciplinary action over medical directors for professional misconduct.

Adopted.

### LAID ON THE TABLE

Rep. Hunt moved that **HB 637**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system, be laid on the table.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 662-FN**, relative to the duties of the liquor commission. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The majority of the committee felt that this legislation was not necessary and felt there were adequate checks and balances on the Liquor Commission. The one major concern of the sponsor appears to be taken care of by a decision of the Rockingham County Superior Court saying that the commission is bound by local zoning ordinances. Vote 9-7. Adopted.

**SB 147**, relative to self-referrals for chiropractic care under managed care organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Commerce: The committee heard testimony in a hugely attended public hearing about current problems with managed care's inability to manage effectively chiropractic benefits. Many healthcare consumers claimed that they are being denied access to chiropractic care for which they have already purchased coverage. The amendment to SB 147 stipulates that managed care plans that already sell chiropractic benefits must allow 12 self-referral chiropractic visits before utilization review of treatment will be required. It also requires a doctor of chiropractic services be consulted during such utilization review. The chiropractic doctor, after an initial consultation, must send documentation to the insurer and/or the primary care physician. A section of the Senate version would have required that insurers pay all chiropractic providers a comparable fee if they perform a comparable service. The Commerce Committee has substituted non-discrimination language instead, believing it to be the better solution. Vote 13-0.

Rep. Hunt moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 713-FN**, relative to penalties for multiple DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill dealt with DWI penalties and alcohol interlock devices. The committee amended the entire bill with a new section for the use and regulation of alcohol interlocks. More work needs to be done on this bill before we believe it will be ready for passage. We will continue to work with the sponsor to make this the best piece of legislation we can and it is also our intention to ask for House Bill 713 to be recommitted so we may continue to make improvements and finalize this piece of legislation. Vote 17-0.

### Amendment (2184h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Definition of Ignition Interlock Device and Provider. Amend RSA 259 by inserting after section 43 the following new sections:

259:43-a Ignition Interlock Device. "Ignition interlock device" shall mean breath alcohol ignition interlock device, which is a system or device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer measures the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level. An ignition interlock device may not be sold or distributed in this state without the device being approved by the advisory committee on breath analyzer machines established in RSA 106-G, as provided in RSA 265:82-e.

259:43-b Interlock Service Provider. An approved interlock service provider means an entity that installs, services, calibrates, monitors, and provides reports as required by RSA 265:82-e, II(c) who is approved by the commissioner of the department of safety to do so; no person shall provide any of the services of an approved interlock service provider without such prior approval.

2 New Subdivision; Alcohol Ignition Interlock Program. Amend RSA 265 by inserting after section 82-d the following new subdivision:

Alcohol Ignition Interlock Program

265:82-e Alcohol Ignition Interlock Program Established. Any person whose license or permission to drive has been revoked or suspended for any reason in which alcohol was involved shall be required by the division of motor vehicles, or by the court, to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for the period of time prescribed by the division or the court, and as a condition to the issuance of a license to operate a motor vehicle after it has been suspended as a result of a conviction for any alcohol-related driving offense. A certificate proving installation of the device as described in paragraph (I)(c)(5) shall be provided to the division as a condition precedent to reinstatement of the individual's license to drive. The person placed under the requirements of this paragraph shall not drive any motor vehicle not equipped with this device and shall not endeavor to circumvent or tamper with the device, and any person so doing shall be guilty of a misdemeanor.

I. Except where otherwise specified in statute, the ignition interlock device shall be installed after license reinstatement for a period as long as the offender's license has been suspended or revoked, but for a minimum of six months in all cases. Minors convicted under this subdivision shall be required to retain the device until at least 21 years of age.

II. The advisory committee on breath analyzer machines shall establish rules, pursuant to RSA 541-A, for the approval of ignition interlock devices, and for the licensing of approved interlock service providers.

(a) The rules adopted for the approval of ignition interlock devices shall require them to, at a minimum:

(1) Meet the April 7, 1992 National Highway Traffic Safety Administration standards published in the Federal Register;

(2) Not impede the safe operation of the vehicle;

(3) Minimize the opportunities for the ignition interlock device to be bypassed any anti-circumvention methods;

(4) Work accurately and reliably;

(5) Measure properly and accurately the person's blood alcohol levels by means of an alcohol-specific interlock device;

(6) Minimize the inconvenience to a sober user;

(7) Record driving times, distances and failures to take or pass the test during the period between recalibrations, and have a data-logger capable of retaining these events; and

(8) Be programmable to restrict hours of use of the vehicle, or times between recalibrations in a fashion to be determined by the commissioner.

(b) The advisory committee on breath analyzer machines shall develop a warning label which shall be affixed to all ignition interlock devices used in the state to warn any person of the possible penalties for tampering with or attempting to circumvent the interlock device.

(c) The commissioner shall adopt rules and regulations to create an ignition interlock program protocol that will control the delivery of interlock service in this state under this subdivision. The rules adopted for the licensing of approved interlock service providers shall require that each provider, at a minimum;

(1) Provide recalibration of each device monthly, unless otherwise ordered by the division or the court;

(2) Maintain at least that number of locations for the installation, service, calibration and monitoring of an ignition interlock device as might be required from time to time by the program operating protocol developed by the commissioner;

(3) Provide service to all residents of the state required to install an ignition interlock device, which service shall be available within one hour's drive of every municipality with a population of 100,000 or more, and within a 90-minute drive of the center of every other municipality in the state;



(4) Provide monthly reports based on the information required in subparagraph II(a)(7) to both the offender's probation office and, if applicable, treatment provider, in formats to be determined by the department's interlock service protocol;

(5) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program, by developing a hardship credit equal to 2 percent of the gross receipts of each approved interlock service provider resulting from the rental of an interlock device to an offender, but not to include the revenues resulting from other services that may be rendered by the approved service provider; and

(6) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock service protocol.

3 New Paragraph; Driving After Revocation or Suspension; Vehicle Immobilization. Amend RSA 263:64 by inserting after paragraph IV the following new paragraph:

IV-a. A person who violates this section may be required by a court to have the immediate installation either of a tire immobilizer, or boot, or an ignition interlock device as defined in RSA 259:43-a on any vehicle registered by the offender or by a member of the offender's household and used by the offender at any time. The ignition interlock device may be an alternative to immobilization by a boot when other household members must have access to the vehicle. Either device shall remain in place until the reinstatement of the offender's license, or until medical certification of that person's permanent physical inability to drive. The installation of the ignition interlock device does not constitute permission to drive for the person whose license has been revoked. If a boot has been used, the offender's license may only be reinstated after receipt by the division of a certificate of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 12 months.

4 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, fined not less than \$250 nor more than \$500 and his license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense. *After any revocation in which alcohol was involved, the license shall not be reinstated until after the division receives a certificate of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 6 months.*

5 New Section; Administrative License Suspension; Ignition Interlock Device. Amend RSA 265 by inserting after section 91-d the following new section:

265:91-e Ignition Interlock Device. After an administrative license suspension imposed either because of refusal to take a test as provided in RSA 265:92 or because the test has revealed an alcohol concentration of 0.16% or more, an offender's suspended license shall not be reinstated until after receipt by the division of a certificate of installation of a qualified ignition interlock device provided by an approved service provider, as described in RSA 265:82-e, which shall remain in place for at least 12 months. If the alcohol concentration was .02% or more, the device shall remain in place for at least 24 months, or longer if so ordered by a court of competent jurisdiction.

6 Negligent Homicide. Amend RSA 630:3, II to read as follows:

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 270:48, II, he causes the death of another. *An offender under this paragraph shall not have a license to drive reinstated until after the division receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 24 months, or longer if so ordered by a court of competent jurisdiction.*

7 Effective Date. This act shall take effect January 1, 2001.

Adopted.

Rep. Christie moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 349-FN-L**, relative to revising annual grant amounts made for school building aid. INEXPERIENT TO LEGISLATE

Rep. Robert E. McKinley for Education: This legislation revises the method of providing state aid for school building programs by including means testing for the individual districts. As a result of the formula, some communities receive no building aid; others receive less, while some receive more aid. Information for data needed to develop a formula is still being addressed by the Department of Education and the State Board of Education. Therefore, the committee agreed this legislation was not appropriate at this time. Vote 12-6.

Adopted.

**HB 514-L**, establishing open enrollment provisions in the school districts of the state. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. M. Alger for Education: The amendment replaces the bill. This amended bill requires school boards to establish change of public school assignment based on the best interest of the pupil, giving superintendents authority to implement the policy up to annual limits of students (1 percent maximum) for a school district, 5 percent for an individual school. Superintendents would be authorized to establish tuition rates and inform parents and legal guardians of the policy on an annual basis. Vote 16-1.

**Amendment (2194h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to change of school assignment and transfers of public school pupils.

Amend the bill by replacing all after the enacting clause with the following:

**193:3-a Change of School Assignment; Best Interest of Pupil.**

I. Each school board shall establish a change of school assignment policy based on the best interest of the pupil, to authorize the superintendent to re-assign a pupil from the public school to which he or she is currently assigned to another public school, or to approve a request from another superintendent to accept a transfer of a pupil from a school district that is not part of the school administrative unit, without further approval from the school board, provided that the total changes in any one year do not exceed one percent of the average daily membership in residence of the school district, or 5 percent of any single school, whichever is greater, and provided that:

(a) The pupil's parent or legal guardian requests the superintendent for a change of school assignment or consents to the superintendent's recommendation for such a change, and

(b) The superintendent determines that such a change would be in the pupil's best interest.

II.(a) In accordance with the policy established by the school board and with the number of pupils authorized in paragraph I of this section, the superintendent may approve reassignment of a pupil:

(1) To a public school within a school district, or

(2) To a school district within the school administrative unit, or

(3) To a school district in another school administrative unit, subject to the pupil meeting the admission requirements of such school, and subject to the agreement of the other superintendent.

(b) Where such reassignment exceeds the percentage limitations established in paragraph I of this section, the approval of the school board shall be required to reassign a pupil.

III. In the event that a pupil is assigned to a school district under the provisions of paragraph II (a)(2) and (3) of this section, the superintendents shall establish a tuition rate for each pupil. Notwithstanding any law to the contrary, some or all of the tuition may be waived by the superintendent of the receiving district for the good cause shown, or based on the school board policy. The amount of the state average per pupil cost of an adequate education shall be considered as part of the tuition payment. Transportation shall be the responsibility of the parent or legal guardian.

IV. Superintendents shall notify the department of education of any reassignment of pupils under this section.

V. Superintendents shall provide annual notice of this change of school assignment policy based on the best interest of a pupil to parents or legal guardians of all pupils in their administrative unit.

VI. A parent or legal guardian who is aggrieved by a decision of a superintendent or a school board under this section may, within 30 days of such decision, appeal in writing to the state board of education which shall review the case and constitute the final administrative appeal.

VII. Educationally disabled children as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

2 Effective Date. This act shall take effect July 1, 2000.

## AMENDED ANALYSIS

This bill:

I. Authorizes superintendents of school districts to approve requests for changes in school assignment where such changes are in the best interest of the pupil.

II. Authorizes superintendents to negotiate the apportionment of tuition costs associated with a change in school assignment to another school district.

Adopted.

Report adopted and ordered to third reading.

**SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: The amendment changes the bill so that the money would flow through the Department of Health and Human Services as it is already involved in early childhood issues. It also requires the school district to work with the Parent Information Center, which offers this program in a few places in the state. The goals of the program are to enhance parental knowledge of child development so those children come to school ready and eager to learn. Vote 14-1.

### Amendment (2033h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a Parents as Teachers Program in Sullivan county and making an appropriation therefor.

1 New Subdivision; Parents as Teachers Program. Amend RSA 193 by inserting after section 33 the following new subdivision:

Parents as Teachers Program

193:34 Policy and Purposes.

I. This act recognizes the importance of the early childhood years upon children's brain development. Given appropriate stimulation, babies develop critical cognitive and social skills from birth to age 3. These early years provide a window of opportunity to enrich a child's cognitive and social development. The least intrusive and most successful way to impact early childhood experiences is to educate parents as to how they can best teach their children. Studies have shown that parents who are trained as to how to interact with their children can help their children enter school ready to learn and are more likely to stay involved with their child's educational process throughout the school years.

II. The Parents as Teachers Program was established in 1981 and has a presence in 49 states, including New Hampshire. The New Hampshire program is operated at eight sites in New Hampshire by the Parent Information Center with funds from Goals 2000. The Parents as Teachers Program creates a partnership between parents and early childhood development professionals. Early childhood development professionals conduct monthly home visits and group meetings to help parents understand what to expect from their children in each stage of development and to teach parents how to encourage learning, manage challenging behavior and strengthen parent-child relationships.

III. The purpose of this subdivision is to expand the Parents as Teachers Program in New Hampshire by developing 2 school district based programs, one of which shall be in a rural community and one in an urban community.

193:35 Parents as Teachers Program Established.

I. The department of health and human services shall establish the school district based Parents as Teachers Program for a rural community in Sullivan county in cooperation with School Administrative Unit 6 and the Parent Information Center. Sullivan county will be the rural site for the program because of its unique demographic profile, including the high number of risk factors affecting its children, the demonstrated interest of its public officials in the program, and the capacity to link the program to existing programs within the county including Good Beginnings, the Parent Information Center, and department of health and human services programs in Sullivan county.

II. The department shall, consistent with available funding and the expressed commitment of an urban community, establish a school district based Parents as Teachers Program in an urban community on or before January 1, 2002.



III. The programs established by this subdivision shall serve parents of children aged birth through 3 years of age. The programs shall utilize at least 1/2 of the appropriated funds to serve areas with high concentrations of low income families in order to serve parents who are educationally or economically disadvantaged.

193:36 Rulemaking. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, necessary to carry out the provisions of this chapter.

193:37 Report and Recommendation. On or before October 1, 2004, the department of health and human services shall prepare and submit to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate education committees an evaluation and report of the school district based Parents as Teachers Programs established pursuant to this subdivision, and recommendations for the expansion of the program statewide.

2 Appropriation. There is hereby appropriated the sum of \$65,000 for the biennium ending June 30, 2001, to the department of health and human services to implement and administer the provisions of this act by establishing the school district based Parents as Teachers Program in Sullivan county. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill creates a Parents as Teachers Program in New Hampshire. There shall be 2 school district based programs, one in an urban community and one in a rural community in Sullivan county. The commissioner of the department of health and human services shall establish rules for the implementation of the program in these 2 communities.

Adopted.

Report adopted and referred to Finance.

**HB 51**, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture, markets and food to adopt rules relative to standards for such equipment. **OUGHT TO PASS WITH AMENDMENT**

Rep. David L. Babson, Jr. for Environment and Agriculture: This bill is an act to provide commercial producers, packers, and distributors with the opportunity to voluntarily register with the Department of Agriculture, Markets and Food. This bill also defines producers and distributors and states what information will be on the registration form. Vote 15-2.

### Amendment (2185h)

Amend the title of the bill by replacing it with the following:

**AN ACT** providing for the voluntary registration of commercial maple producers and maple packers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions; Commercial Sugarmaker. Amend RSA 429:13 by inserting after paragraph III the following new paragraph:

III-a. "Commercial sugarmaker" means a person who collects or purchases maple sap for maple production and sale.

2 New Paragraph; Definitions; Maple Packer. Amend RSA 429:13 by inserting after paragraph VII the following new paragraph:

VII-a. "Maple packer" means a person who purchases and packs or further processes maple syrup for sale.

3 New Section; Registration. Amend RSA 429 by inserting after section 13 the following new section:

429:13-a Registration.

I. The commissioner shall design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

II. A commercial sugarmaker or maple packer who agrees to voluntarily register for a period of 6 years shall complete a registration form supplied by the commissioner. The information on the form shall be limited to the name of the owner or operator, the farm or business name, the address and phone number of the farm or business, and whether the registrant is a commercial sugarmaker or maple packer.

III. Commercial sugarmakers and maple packers agreeing to voluntarily register shall be placed on a list of voluntary registrants by the commissioner. Use of the voluntary registration list by the department shall be limited to disseminating information relative to the maple industry, conducting surveys on topics that are timely and important to the maple industry, and emergency notification to commercial sugarmakers and maple packers of conditions or practices found to adversely impact the quality of maple products.

4 Labels; Information Required. Amend RSA 429:14, I(a) to read as follows:

(a) The name, address, and zip code of the packer, *distributor or producer*;

5 New Paragraph; Adulteration. Amend RSA 429:15 by inserting after paragraph II the following new paragraph:

III. Maple syrup and maple products which are labeled as being pure maple products and which are produced, packaged, handled, or sold in this state shall not in any way be adulterated by the addition or introduction of any substance that would change the essential characteristics of the maple product or render the maple products unsafe.

6 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of agriculture, markets, and food to design and implement a voluntary registration program for persons who produce or pack maple sap or maple products for sale.

Adopted.

Report adopted and referred to Finance.

Rep. Scanlan declared a conflict of interest and did not participate.

**HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. **REFER FOR INTERIM STUDY**

Rep. Peter R. Leishman for Environment and Agriculture: The committee had difficulty reaching a consensus on the bill. Strong arguments were made to support and oppose the growing of industrial hemp. The first vote of "Ought to Pass with Amendment" failed by a vote of 10-9. The second vote of "Inexpedient to Legislate" failed by a vote of 7-12. The committee by a vote of 14-5 is recommending "Interim Study" looking forward to bringing both sides closer together. Vote 14-5. Rep. Owen spoke against and yielded to questions.

Rep. McRae spoke in favor and yielded to questions.

Rep. Musler spoke in favor.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 172 NAYS 176

#### YEAS 172

##### BELKNAP

Bartlett, Gordon  
Johnson, James  
Turner, Robert

Boriso, Thomas  
Millham, Alida  
Wendelboe, Francine

Boyce, Robert  
Pilliod, James

Czech, Stanley  
Rosen, Ralph

##### CARROLL

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

Lyman, L Randy

##### CHESHIRE

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

##### COOS

Davis, Perley  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
 Dudley, Terri  
 Hinman, Harry  
 Phinney, William

Alger, John  
 Eaton, Stephanie  
 MacNeil, Allen  
 Picconi, Al

Brothers, Richard  
 Gilman, G Michael  
 Marshall, Gene  
 Scanlan, David

Cobb, John  
 Hall, David  
 Mirski, Paul  
 Ward, Brian

**HILLSBOROUGH**

Alukonis, David  
 Bergin, Peter  
 Clegg, Robert Jr  
 Daniels, Gary  
 Dyer, Merton  
 Gagnon, Eugene  
 Holley, Sylvia  
 LaRose, Richard  
 Martel, Andre  
 Melcher, Harold  
 Murphy, Robert  
 Pappas, Marc  
 Rowe, Robert

Arthur, Rose  
 Brundige, Robert  
 Craig, James  
 Desmarais, Vivian  
 Emerton, Lawrence  
 Hall, Betty  
 Keye, Harvey  
 Lessard, Rudy  
 McCarty, Winston  
 Mercer, Robert  
 Nolan-Piteri, Dawn  
 Pepino, Leo  
 Thulander, O Alan

Batula, Peter  
 Calawa, Leon Jr  
 Daigle, Robert  
 Dokmo, Cynthia  
 Flora, Kathleen  
 Hansen, Herbert  
 Kurk, Neal  
 Lozeau, Donnalee  
 McDonald, James Sr  
 Messier, Irene  
 O'Connell, Timothy  
 Peterson, Andrew  
 White, Donald

Belvin, William  
 Chabot, Robert  
 Dalianis, Griffin  
 Durham, Susan  
 Foster, Linda  
 Herman, Keith  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Milligan, Robert  
 O'Hearn, Jane  
 Reeves, Sandra  
 Withee, Dennis

**MERRIMACK**

Anderson, Eric  
 Feuerstein, Martin  
 Leber, William  
 Whalley, Michael

Asplund, Bronwyn  
 Hoadley, Elizabeth  
 Marple, Richard

Brewster, Richard  
 Langer, Ray  
 Marshall, Kenneth

Davis, Francis  
 Lavoie, Gerard  
 Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
 Christie, Andrew Jr  
 DiFruscia, Anthony  
 Fesh, Robert  
 Gibbons, Paul  
 Hamel, Albert  
 Langley, Jane  
 Mikowski, Walter  
 Packard, Sherman  
 Reardon, Neil  
 Stritch, C Donald  
 Welch, David

Beaulieu, Jon  
 Cooney, Richard  
 Dowling, Patricia  
 Flanders, David  
 Gleason, John  
 Henderson, Warren  
 Langone, John  
 Morse, Charles  
 Pantelakos, Laura  
 Ruffner, Walter  
 Varrell, Thomas  
 Whittier, John

Belanger, Ronald  
 Cox, Russell  
 Downing, Michael  
 Flanders, John Sr  
 Grant, Kenneth  
 Hutchinson, Rebecca  
 Letourneau, Robert  
 Nowe, Mary Lou  
 Quandt, Marshall  
 Sapareto, Frank  
 Verani, Giovanni  
 Zolla, William

Case, Margaret  
 Dearborn, Bruce  
 Dunham, Vivian  
 Francoeur, Sheila  
 Griffin, Mary  
 Kobel, Rudolph  
 Major, Norman  
 Nowe, Ronald  
 Raynowska, Bernard  
 Shelton, Richard  
 Weare, Everett

**STRAFFORD**

Callaghan, Frank  
 Musler, George  
 Woods, Phyllis

Dunlap, Patricia  
 Spear, Barbara

Lundborn, Raymond  
 Torr, Franklin

McKinley, Robert  
 Wall, Janet

**SULLIVAN**

Allison, David  
 McIntyre, Sara

Jones, Constance  
 Young, David

Kibbey, David

Leone, Richard

**NAYS 176****BELKNAP**

Holbrook, Robert

Lawton, David

Rice, Thomas

Wood, Jane

**CARROLL**

Babson, David Jr  
 Torressen, Gary

Bradley, Jeb

Dickinson, Howard

Sullivan, P Judith



**CHESHIRE**

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Russell, Ronald

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Meader, David  
Riley, William

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Gallus, John  
Rodrigue, Robert

Glines, Sara

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Harmon, Hobart

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert

**HILLSBOROUGH**

Ahern, Richard  
Beaupre, Roland  
Burkush, James  
Cote, Peter  
Fields, Dennis  
Ginsburg, Ruth  
Hunter, Bruce  
Konys, Christine  
Lynde, Harold  
McDonough-Wallace, Alice  
Reidy, Frank  
Tate, Joan  
White, John

Andrews, Frederick  
Bergeron, Lucien  
Christiansen, Lars  
Desrosiers, William  
Fletcher, Richard  
Goley, Jeffrey  
Jean, Claudette  
LaPorte, George  
Martin, Mary  
McRae, Karen  
Sarette, John  
Turgeon, Roland

Arnold, Thomas Jr  
Bruno, Pierre  
Clemons, Jane  
Drabinowicz, A Theresa  
Ford, Nancy  
Gorman, Mary  
Jean, Loren  
Lasky, Bette  
McCarthy, William  
Mendenhall, Leslie  
Sargent, Maxwell  
Vaillancourt, Steve

Baroody, Benjamin  
Buckley, Raymond  
Cote, David  
Fenton, James  
Garrish, Linda  
Herman, Richard  
Johnson, Lionel  
Leonard, Peter  
McColgan, Philip Jr  
Mosher, William  
Simon, Anthony  
Wall, Nancy

**MERRIMACK**

Bouchard, Candace  
Fraser, Marilyn  
Jacobson, Alf  
Maxfield, Roy  
Poulin, Dave  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
French, Barbara  
Kennedy, Richard  
Moore, Carol  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, James

Daneault, Gabriel  
Gile, Mary  
Larrabee, David Sr  
Owen, Derek  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, James

Fortnam, Janet  
Hager, Elizabeth  
Lockwood, Priscilla  
Potter, Frances  
Rosenfield, Jay  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Hutchinson, Karen  
Katsakiores, Phyllis  
Noyes, Richard  
Rabideau, Marie  
Splaine, James  
Weatherspoon, Jackie

Bishop, Franklin  
Clark, Vivian  
Johnson, Robert  
Kelley, William  
O'Keefe, Patricia  
Sabella, Norma  
Stickney, Nancy  
Weyler, Kenneth

Blanchard, MaryAnn  
Corbin, C David  
Kane, Cecelia  
McKinney, Betsy  
Pitts, Jacqueline  
Schanda, Frank  
Tufts, J Arthur

Bridle, Russell  
Flanagan, Natalie  
Katsakiores, George  
Norelli, Terie  
Putnam, Ed II  
Shutis, Elizabeth  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Heon, Richard  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

Bickford, David  
Domingo, Baldwin  
Johnson, Nancy  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Brown, George  
Gilmore, Gary  
Lent, Donald  
Smith, Marjorie  
Tsiros, William

**SULLIVAN**

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

Flint, Gordon Sr  
Wiggins, Celestine

and the report failed.

Rep. Owen moved Ought to Pass.

Rep. Soltani spoke against and yielded to questions.

Rep. Robb-Theroux spoke in favor and yielded to questions.

Rep. Owen requested a roll call; sufficiently seconded.

The question being the motion of Ought to Pass.

**YEAS 181 NAYS 167****YEAS 181****BELKNAP**

Czech, Stanley  
Wood, Jane

Holbrook, Robert

Lawton, David

Rice, Thomas

**CARROLL**

Babson, David Jr

Dickinson, Howard

Sullivan, P Judith

**CHESHIRE**

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Russell, Ronald

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Riley, William

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Gallus, John  
Rodrigue, Robert

Glines, Sara

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Hall, David  
Nordgren, Sharon

Copenhaver, Marion  
Harmon, Hobart

Densmore, Jessica  
Johnson, Gary

Guest, Robert  
Mirski, Paul

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien  
Chabot, Robert  
Daigle, Robert  
Dyer, Merton  
Foster, Linda  
Goley, Jeffrey  
Jean, Claudette  
LaPorte, George  
Martin, Mary  
Mendenhall, Leslie  
Sarette, John  
Vaillancourt, Steve

Arnold, Thomas Jr  
Bergin, Peter  
Clemons, Jane  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Gorman, Mary  
Jean, Loren  
Lasky, Bette  
McCarthy, William  
Messier, Irene  
Sargent, Maxwell  
Wall, Nancy

Arthur, Rose  
Bruno, Pierre  
Cote, David  
Drabinowicz, A Theresa  
Fields, Dennis  
Garrish, Linda  
Hall, Betty  
Johnson, Lionel  
Leonard, Peter  
McColgan, Philip Jr  
Mosher, William  
Simon, Anthony  
White, John

Baroody, Benjamin  
Buckley, Raymond  
Cote, Peter  
Dwyer, Paul Sr  
Fletcher, Richard  
Ginsburg, Ruth  
Herman, Richard  
Konys, Christine  
Lynde, Harold  
McRae, Karen  
Reidy, Frank  
Turgeon, Roland

**MERRIMACK**

Bouchard, Candace  
Fraser, Marilyn  
Jacobson, Alf  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean

Chase, George  
French, Barbara  
Kennedy, Richard  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Daneault, Gabriel  
Gile, Mary  
Lockwood, Priscilla  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, James

Fortnam, Janet  
Hager, Elizabeth  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Bridle, Russell  
Cox, Russell  
Hutchinson, Rebecca  
McKinney, Betsy  
Pantelakos, Laura  
Rubin, George  
Shultis, Elizabeth  
Weatherspoon, Jackie

Beaulieu, Jon  
Clark, Martha  
Flanagan, Natalie  
Johnson, Robert  
Norelli, Terie  
Pitts, Jacqueline  
Sabella, Norma  
Splaine, James

Bishop, Franklin  
Clark, Vivian  
Gibbons, Paul  
Kane, Cecelia  
Noyes, Richard  
Rabideau, Marie  
Sapareto, Frank  
Tufts, J Arthur

Blanchard, MaryAnn  
Corbin, C David  
Hutchinson, Karen  
Kelley, William  
O'Keefe, Patricia  
Raynowska, Bernard  
Schanda, Frank  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Domingo, Baldwin  
Johnson, Nancy  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Bickford, David  
Dunlap, Patricia  
Keans, Sandra  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Brennan, William  
Estabrook, Iris  
Lent, Donald  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

Brown, George  
Heon, Richard  
Pelletier, Arthur  
Snyder, Clair  
Twardus, Joseph

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Tuthill, John

Burling, Peter  
McIntyre, Sara  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Robb-Theroux, Amy

**NAYS 167****BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Wendelboe, Francine

Boriso, Thomas  
Pilliod, James

Boyce, Robert  
Rosen, Ralph

Johnson, James  
Turner, Robert

**CARROLL**

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
MacNeil, Allen  
Scanlan, David

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Gilman, G Michael  
Phinney, William

Cobb, John  
Hinman, Harry  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Christiansen, Lars  
Daniels, Gary  
Emerton, Lawrence  
Herman, Keith  
Kurk, Neal

Andrews, Frederick  
Brundige, Robert  
Clegg, Robert Jr  
Desmarais, Vivian  
Flora, Kathleen  
Holley, Sylvia  
L'Heureux, Robert

Batula, Peter  
Burkush, James  
Craig, James  
Dokmo, Cynthia  
Ford, Nancy  
Hunter, Bruce  
LaRose, Richard

Beaupre, Roland  
Calawa, Leon Jr  
Dalianis, Griffin  
Durham, Susan  
Hansen, Herbert  
Keye, Harvey  
Lessard, Rudy



Lozeau, Donnalee  
McDonald, James Sr  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
White, Donald

MacGillivray, Jeffrey  
McGough, Tim  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Withee, Dennis

Martel, Andre  
Melcher, Harold  
Nolan-Piteri, Dawn  
Pepino, Leo  
Tate, Joan

McCarty, Winston  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Feuerstein, Martin  
Larrabee, David Sr  
Marshall, Kenneth  
Whalley, Michael

Asplund, Bronwyn  
Hess, David  
Lavoie, Gerard  
Maxfield, Roy

Brewster, Richard  
Hoadley, Elizabeth  
Leber, William  
Poulin, Dave

Davis, Francis  
Langer, Ray  
Marple, Richard  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Cooney, Richard  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Quandt, Marshall  
Stickney, Nancy  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Hamel, Albert  
Kobel, Rudolph  
Major, Norman  
Nowe, Ronald  
Reardon, Neil  
Stritch, C Donald  
Welch, David

Case, Margaret  
DiFruscia, Anthony  
Fesh, Robert  
Gleason, John  
Henderson, Warren  
Langley, Jane  
Mikowski, Walter  
Packard, Sherman  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Christie, Andrew Jr  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Katsakiores, George  
Langone, John  
Morse, Charles  
Putnam, Ed II  
Shelton, Richard  
Verani, Giovanni  
Whittier, John

### STRAFFORD

Callaghan, Frank  
Spear, Barbara

Cossette, Larry  
Tsiros, William

McKinley, Robert  
Woods, Phyllis

Musler, George

### SULLIVAN

Jones, Constance

Kibbey, David

Leone, Richard

Young, David

and the motion was adopted.

Referred to Finance.

**HB 648-FN**, relative to a sludge testing program. **OUGHT TO PASS WITH AMENDMENT**  
Rep. John S. Cobb for Environment and Agriculture: This bill was re-referred to the Environment and Agriculture Committee and after much consideration, it was decided to amend the bill emphasizing the reporting procedure. We put a cap on the sludge testing fee for generators satisfying a concern of municipalities. Coordination was established between both the sponsor, the Department of Environmental Services, and authorities at the University of New Hampshire. Funding comes from State Aid Grant Programs which will not have an adverse impact for present budgets. Vote 18-0.

### Amendment (2178h)

Amend the bill by replacing all after the enacting clause with the following:

1 Waste Disposal; Duties of Department; Sludge Testing Program. RSA 485-A:4, XVI-c is repealed and reenacted to read as follows:

XVI-c.(a) To design and implement a program for state or independent third party sampling and testing of sludge or biosolid materials that are intended for land application. The department shall design the sampling methodology, in consultation with university of New Hampshire statisticians and sludge and biosolid experts, to provide a statistical evaluation of the contaminant levels contained in sludge or biosolids. The department shall concentrate its testing on those contaminants that pose greater risks to public health and the environment due to their toxicity, potential availability, concentration levels, or concentration uncertainty. The department shall maintain a database of testing results and prepare, in consultation with university of New Hampshire statisticians

and sludge and biosolid experts, and make available to the public and the general court, an annual report by November 1 of each year which analyses the compiled test results, including data from prior years, as appropriate. The analysis shall detail contaminant concentrations on both a state-wide and generator level and shall indicate the statistical degree of certainty in the results of the analysis. The department shall attempt to present the report in terms that are understandable to the layperson including practical examples such as the probability that any given load of untested sludge exceeds a contaminant standard.

(b) The department shall establish a fee of \$500, to be paid by sludge quality certificate holders by January 1 of each year. The fee shall be deposited in a special, nonlapsing sampling and analysis of sludge or biosolids samples fund, for exclusive use by the department to implement the program established in subparagraph (a).

2 New Paragraph; Duties of Department; On-Site Inspections. Amend RSA 485-A:4 by inserting after paragraph XVI-c the following new paragraph:

XVI-d. To conduct on-site inspections of sludge or biosolid application sites to monitor adherence to all state and federal requirements for such activity.

3 Testing Method Evaluation. In preparation for and as part of the annual report required by November 1, 2000 under RSA 485-A:4, XVI-c(a), the department, in consultation with university of New Hampshire statisticians and sludge and biosolid experts, sludge quality certificate holders, and other interested parties, shall evaluate whether the overall financial resources dedicated to sludge testing in the state are being optimally allocated between regulatory testing and statistical testing. As part of the evaluation, the department shall consider what short and long-term financial, environmental, or assurance benefits there may be to the department, the public, and sludge or biosolid generators in having sampling conducted by a party other than the generator.

4 Transfer of Appropriation. The remainder of available funds, up to \$85,000, that were appropriated for state aid grants by 1999, 159:1, PAU 03-04-02-01-02 shall be transferred at the end of fiscal year 2000 and at the end of fiscal year 2001 to the nonlapsing sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all approved state aid grant payments have been made to eligible municipalities in each fiscal year.

5 Effective Date. This act shall take effect July 1, 2000

#### AMENDED ANALYSIS

This bill allows sampling and testing of sludge and biosolid materials to be conducted by independent third parties as well as the state. The sampling methodology designed by the department shall be with the consultation of university of New Hampshire statisticians and sludge and biosolids experts. The department shall make available to the public and general court a report by November 1 each year which analyzes the compiled test results.

This bill provides that as part of the annual report required by November 1, 2000, the department shall evaluate whether the overall financial resources dedicated to sludge testing in the state are being optimally allocated between regulatory and statistical testing.

This bill also appropriates certain funds to the sampling and analysis of sludge or biosolids samples fund.

Adopted.

Report adopted and referred to Finance.

**HB 613-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee agreed that the Pari-Mutuel Commission and the Sweepstakes Commission are working well and see no compelling reasons for change. Each commission has a very distinct responsibility with little in common. The Sweepstakes Commission is a marketing driven organization promoting the sale of lottery designated games. The Pari-Mutuel Commission is a regulating body with oversight responsibility for the horse and dog racing industry. Vote 12-4.

Adopted.

**HB 725**, relative to rulemaking under the administrative procedures act. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill improves the process by which rules are adopted and updates the "Drafting and Procedure Manual" for rulemaking.

JLCAR (Joint Legislative Committee on Administrative Rules) meets once a month and is provided services and staff from the Office of Legislative Services. This bill puts into statute a division of administrative rules established within the Office of Legislative Services which shall provide services, staff and specially designated committee legal counsel as it does now. There is no FN consideration. This bill changes the definition of "rule" to include a sentence that clarifies that rules adopted by the Director of Personnel relative to the state employee system must be adopted under RSA 541-A. This bill requires JLCAR to notify chairmen of committees when JLCAR recommends statutory changes after reviewing proposed rules; puts in new language requiring agencies to accept public comment in electronic format if practicable and extends the period for accepting public comment after a public hearing on proposed rules from 5 to 10 days; establishes a new "conditional approval" process to allow for the approval of proposed rules under the condition that the agency makes specified changes agreed to during the JLCAR meeting; duration of emergency rules extended from 120 to 180 days and numerous gender neutral changes. These changes reflect a streamlining of the rules process, a more efficient and long overdue improvement yet keeps legislative oversight in place. Vote 17-0.

### Amendment (2192h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. It is the understanding of both the legislative and executive branches of state government that administrative rules and the rulemaking process are important and that both branches are committed to providing the necessary resources and expertise to prepare, review, and enforce administrative rules, with the understanding that rules have the force and effect of law and profoundly impact the lives and livelihoods of every citizen of New Hampshire.

2 Definition of Rule; State Employee Personnel System. Amend RSA 541-A:1, XV to read as follows:

XV. "Rule" means each regulation, standard or other statement of general applicability adopted by an agency to (a) implement, interpret or make specific a statute enforced or administered by such agency or (b) prescribe or interpret an agency policy, procedure or practice requirement binding on persons outside the agency, whether members of the general public or personnel in other agencies. The term does not include (a) internal memoranda which set policy applicable only to its own employees and which do not affect private rights or change the substance of rules binding upon the public, (b) informational pamphlets, letters or other explanatory material which refers to a statute or rule without affecting its substance or interpretation, (c) personnel records relating to the hiring, dismissal, promotion, or compensation of any public employee, or the disciplining of such employee, or the investigating of any charges against ~~him~~ *such employee*, (d) declaratory rulings, or (e) forms. *The term "rule" shall include rules adopted by the director of personnel, department of administrative services, relative to the state employee personnel system.*

3 Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:2 to read as follows:

541-A:2 Joint Legislative Committee on Administrative Rules.

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of 10 members of the general court and 4 alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than 3 of whom shall be from the same party; 5 members of the senate, appointed by the senate president in consultation with the minority leader, not more than 3 of whom shall be from the same party; 2 alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than one of whom shall be from the same party; and 2 alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than one of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the ~~chairman~~ *chair* shall designate an alternate member to serve ~~in his place~~ regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a ~~chairman~~ *chair* and a ~~vice-chairman~~ *vice-chair* from among its members, provided that the ~~chairmanship~~ *chair* shall rotate biennially between the house and senate members.

II. The committee shall meet at least once each month and more often as necessary for the prompt discharge of its duties ~~[and may use the staff and services of the director of legislative~~



services]. *The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially designated committee legal counsel, in a division of administrative rules established within the office of legislative services, to the extent the committee deems necessary.* The committee shall adopt rules to govern its operation and organization. A quorum of the committee shall consist of 6 members. Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

III. The committee may hold public hearings on a proposed or previously adopted rule on its own initiative. The committee shall give public notice of any hearing at least 7 days in advance in the rulemaking register. Any public hearing shall be scheduled at a time and place chosen to afford opportunity for affected persons to present their views. ~~[As appropriate,]~~ The committee may consult with the standing legislative committee having jurisdiction in the area of the rule under review.

IV. In addition to its ongoing review of proposed and adopted rules, the committee shall:

(a) Petition an agency under RSA 541-A:4 to adopt rules if the agency has clear rulemaking authority which it has not used.

(b) Review statutory passages granting rulemaking authority. On the basis of this review, the committee shall, before each regular legislative session, make written recommendations to the president of the senate and the speaker of the house as to how such passages should be amended to eliminate confusing, inefficient, or unnecessary statutory language.

(c) Make written recommendations, when appropriate, to the president of the senate and the speaker of the house as to how the legislative oversight of rulemaking might be improved. These recommendations may include proposed amendments to RSA 541-A.

(d) Have the authority to amend and provide the final approval of the drafting and procedure manual developed by the director of legislative services and the commissioner of administrative services under RSA 541-A:8.

*(e) Notify the chairpersons of appropriate standing committees of the general court in writing when committee recommendations are made to agencies relative to legislation as a result of reviewing proposed and adopted rules.*

*(f) Make written recommendations, when appropriate, to the president of the senate, the speaker of the house of representatives, and the chairs of standing committees of the general court having jurisdiction over the subject matter of an agency concerning the amendment or repeal of the statutory authority of an agency that has enforced rules which are not effective or not otherwise valid, or that has not commenced rulemaking or adopted rules as required by statute.*

4 Petition for Adoption of Rules. Amend RSA 541-A:4 to read as follows:

541-A:4 Petition for Adoption of Rules.

*I. Any interested person may petition an agency to adopt, amend, or repeal a rule. Within 30 days of receiving the petition, the agency shall determine whether to grant or deny the petition and notify the petitioner. If the agency decides to deny the petition, the agency shall notify the petitioner of its decision in writing and shall state its reasons for denial. If the agency grants the petition, it shall notify the petitioner and commence the rulemaking proceeding by requesting a fiscal impact statement pursuant to RSA 541-A:5 within 120 days of receipt of the petition and continuing the proceeding as specified in RSA 541-A:3.*

*II. Notwithstanding paragraph I, if the committee petitions an agency to adopt, amend, or repeal a rule, and the agency does not notify the committee that rulemaking has commenced within one year of receiving the petition, or does not file a final proposal under RSA 541-A:12 within 2 years of receiving the petition, the committee may file legislation to repeal the agency's rulemaking authority or otherwise amend the agency authority.*

5 Gender Neutral. Amend RSA 541-A:5, I and II to read as follows:

I. The agency shall provide the legislative budget assistant with adequate details of the intended action and supporting data to enable ~~him~~ *the legislative budget assistant* to prepare a fiscal impact statement.

II. The legislative budget assistant shall develop a form which shall specify the details and supporting data necessary ~~for him~~ to assess the fiscal impact of the proposed rule.

6 Gender Neutral. Amend the introductory paragraph of RSA 541-A:5, IV to read as follows:

IV. The fiscal impact statement issued by the legislative budget assistant shall not be limited to dollar amounts, but shall include a discussion of the methodology used ~~by him and the agency~~ to reach any stated amounts. In addition, the fiscal impact statement shall consist of:

7 Gender Neutral. Amend RSA 541-A:6, II and III to read as follows:

II. The director of legislative services may refuse to publish a notice if ~~[he]~~ **the director** determines that there is significant noncompliance with the requirements of paragraph I ~~[above]~~.

III. The agency shall send notice to the director of legislative services, to the president of the senate, to the speaker of the house of representatives, to the ~~[chairman]~~ **chair** of the fiscal committee, to the ~~[chairmen]~~ **chairs** of the legislative committees having jurisdiction over the subject matter, and to all persons who have made timely request for advance notice of rulemaking proceedings and to all persons regulated by the proposed rules who hold occupational licenses issued by the agency. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11. Notice to occupational licensees shall be by U.S. Mail, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner deemed sufficient by the committee.

8 Drafting and Procedure Manual. Amend RSA 541-A:8 to read as follows:

541-A:8 Drafting and Procedure Manual.

I. Each agency shall conform to a drafting and procedure manual for rules, developed by the director of legislative services and the commissioner of administrative services, subject to amendment and final approval by the committee. *The manual shall be submitted for approval by the committee no later than March 31, 2000. If no manual is submitted by such date, the committee shall have the authority to develop, amend, and approve the manual. In either case, the committee shall provide final approval of the drafting and procedure manual no later than June 30, 2000. After June 30, 2000, the committee may propose further amendments to the manual. Any further amendments shall be subject to final approval by the committee.* The director may require any agency to rewrite any rule submitted for filing to conform to this manual until that rule is adopted and filed under RSA 541-A:14 or RSA 541-A:19.

9 New Subparagraph; Rulemaking Register; List of Proposals. Amend RSA 541-A:9, I by inserting after subparagraph (i) the following new subparagraph:

(j) A list of proposals filed under RSA 541-A:12, I and proposed interim rules filed under RSA 541-A:19, II, and placed on the agenda for committee review at a regularly scheduled or special committee meeting.

10 Submission of Materials to Board or Commission. Amend RSA 541-A:11, I to read as follows:

I. Each agency shall hold at least one public hearing on all proposed rules and shall afford all interested persons reasonable opportunity to testify and to submit data, views, or arguments in writing *or, if practicable for the agency, in electronic format*, in accordance with the terms of the notice and the provisions of this section. *The legal counsel designated to the committee shall provide oral or written comments on potential bases for committee objection under RSA 541-A:13, IV. Each agency shall require all materials submitted in writing to be signed by the person who submits them, and the agency shall transfer to hard copy, if practicable for the agency, all materials submitted as diskette, electronic mail, or other electronic format. Copies of the proposed rule shall be available to the public under RSA 91-A and at least 5 days prior to the hearing.* For rules proposed by a board or commission, a period of at least ~~[5]~~ **10** days after the hearing shall be provided for the submission of ~~[such written]~~ materials *in writing or in electronic format*, unless a shorter period is specified in the notice. If a shorter period is specified in the notice, the deadline for the submission of ~~[written]~~ *such* materials shall not be earlier than the scheduled conclusion of the public hearing. For rules proposed by an agency official, a period of at least ~~[5]~~ **10** days after the hearing shall be provided in all instances. If a hearing is continued or postponed as provided in paragraph III or IV of this section, the period for the submission of ~~[written]~~ materials *in writing or in electronic format* shall be extended.

11 Public Comment; Extension of Deadlines. Amend RSA 541-A:11, III to read as follows:

III. To provide reasonable opportunity for public comment, the agency may continue a public hearing past the scheduled time or to another date, *or may extend the deadline for submission of written comment*. If the agency continues the hearing *or extends the deadline*, it shall notify the public by any means it deems appropriate, including notice in the rulemaking register whenever practicable.

12 New Paragraph; Filing Final Proposal; Placement on Agenda. Amend RSA 541-A:12, I to read as follows:

I. After **fully** considering ~~fully~~ public comment **and any committee or designated legal counsel comments** received pursuant to RSA 541-A:11, and any other relevant information, a quorum of the members of the agency or the agency official having rulemaking authority shall establish the text of the final proposed rule. After the text of the final proposed rule has been established, the agency shall file the final proposal no earlier than 21 days and no later than 150 days after the date of publication of the notice in the rulemaking register. If an agency is required to rewrite a rule in accordance with RSA 541-A:8, the agency shall have up to 180 days after the date of publication of the notice in the rulemaking register to file the final proposal. The agency shall file the final proposal with the director of legislative services. Final proposals filed no later than 14 days before a regularly scheduled committee meeting shall be placed on the agenda for that meeting. Final proposals filed fewer than 14 days before a regularly scheduled committee meeting shall be placed on the agenda of the following regularly scheduled committee meeting.

***I-a. If an agency chooses to receive and respond to comments before the committee meeting as specified in RSA 541-A:13,II(a) and (b), the agency shall file the final proposal with a request that the final proposal be reviewed by the committee legal counsel and placed on the agenda for the next regularly scheduled committee meeting or special meeting that is at least 28 days but no more than 60 days after the date that the final proposal is filed. The final proposal and request shall be filed at least 14 days prior to the first regularly scheduled committee meeting at which the request may be considered. The committee shall notify the agency in writing of its approval or denial of the request.***

13 Procedure Changed; Review by Joint Legislative Committee on Administrative Rules. RSA 541-A:13 is repealed and reenacted to read as follows:

541 -A:13 Review by the Joint Legislative Committee on Administrative Rules.

I. Within 45 days of the filing of a final proposal with the director of legislative services, the committee may approve the rule or object under paragraph V, except that if an agency has filed a final proposal under RSA 541-A:12, I-a, the time shall be extended to 60 days. Objections to a rule may be made only once.

II.(a) If an agency has filed a final proposal and the committee has granted the agency's request, pursuant to RSA 541-A:12, I-a, the director of legislative services shall notify the agency of any potential bases for committee objection identified by committee legal counsel by forwarding a copy of the final proposal with the counsel's comments noted thereon at least 14 days prior to the committee meeting at which the proposal will be considered.

(b) In response to the comments, an agency may then file a proposed amended final proposal with the director for review by the committee and request that the committee approve the rule as amended. Both the request and the amendment shall be in writing and shall be filed at least 7 days prior to the regularly scheduled meeting or special meeting for which the final proposal has been placed on the agenda.

(c) The committee may:

- (1) Approve the rule as originally filed;
- (2) Approve the rule with amendment; or
- (3) Act under paragraph V.

(d) If the committee approves the rule as filed pursuant to RSA 541-A:12, or with amendment, it shall notify the agency in writing of its approval.

(e) Failure to give notice of either approval, conditional approval, or objection at the end of the 45-day or 60-day period under paragraph I shall be deemed approval.

III. If the rule is approved under subparagraph II(c) or (e), the agency may adopt the rule.

IV. The committee may object to a proposed rule if the rule is:

- (a) Beyond the authority of the agency;
- (b) Contrary to the intent of the legislature;
- (c) Determined not to be in the public interest; or
- (d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

V. The following procedures shall govern committee objections:

(a) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, it shall so inform the agency. In lieu of a preliminary objection, the committee may vote to conditionally approve the rule with an amendment, provided that the committee specifies in its



conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 14 days of the meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a preliminary objection on the date of the conditional approval. If the committee legal counsel determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the committee legal counsel shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

(b) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, the committee shall send the agency a preliminary written objection stating the basis for the objection. A preliminary objection or conditional approval shall require the assent of a majority of the votes cast, a quorum being present.

(c) The agency shall respond to the preliminary objection by withdrawing the rule, by amending the rule to remove the basis for objection, or by making no change. The agency shall respond to a committee objection only once, and shall report its response in writing to the committee within 45 days of the committee's vote to make a preliminary objection. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule. After receipt of the agency response, the committee may modify its objections made under paragraph IV or approve the rule.

(d) After submitting its preliminary objection response and prior to the final committee vote on the final proposal, and in all cases, prior to the adoption of the rule by the agency, the agency may request that the committee approve the rule with further amendment or issue a revised objection. The committee may approve the rule with further amendment only if the agency submits the request and proposed amendment, in writing to the committee at least 7 days prior to the committee meeting at which the agency presents the rule. Submission of such a request shall not preclude the agency from requesting a revised objection if the committee does not approve the rule as requested.

(e) A revised objection may be made only once by the committee and may be made only at the request of the agency. The agency shall respond and the committee may review the response in the same manner as a preliminary objection. No further amendment may be made by the agency after it responds to the committee except as provided in RSA 541-A:14, II.

(f) If the agency responds but the basis for the committee's preliminary or revised objection has not been removed or the response creates a new basis for objection, the committee may, by majority vote of the entire committee, file a final objection. The final objection shall be filed in certified form with the director of legislative services for publication in the next issue of the rulemaking register.

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

VII.(a) The provisions of this paragraph may be used by the committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds to a preliminary or revised objection but the basis for objection has not been removed or the response creates a new basis for objection, the committee may, within 45 days from the date on which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

14 Final Adoption of Rules. Amend RSA 541-A:14, I and II to read as follows:

I. An agency may adopt a properly filed final proposed rule after:

(a) The passage of 45 days from filing of a final proposal under RSA 541-A:12, ***I, or 60 days from filing under RSA 541-A:12, I-a***, without receiving notice of objection from the committee;

(b) Receiving ~~[notice of]~~ approval from the committee;

(c) ***Written confirmation is sent to the agency by committee legal counsel relative to agency compliance with the committee's conditional approval pursuant to RSA 541-A:13, V(a);***

~~[(e)]~~ (d) Passage of the 45-day period for committee review of the preliminary objection response, or revised objection response, if applicable, provided that the committee has not voted to sponsor a joint resolution pursuant to RSA 541-A:13, VII; or

~~[(f)]~~ (e) Final legislative action, as defined in RSA 541-A:1, VI-a, is taken on the joint resolution sponsored pursuant to RSA 541-A:13, VII(b) or the passage of the 90 consecutive calendar days specified by RSA 541-A:13, VII(c), whichever occurs first.

II. The text of the adopted rule shall be the same as the text of the final proposed rule submitted under RSA 541-A:12, ~~[except that any specific change may be made]~~ ***unless revised*** by the agency in direct response to the committee's written objection ***or as otherwise provided in RSA 541-A:13***. The director of legislative services may refuse to accept for filing any final rule which contains changes, other than minor editorial changes, that are not specifically ~~[authorized in the committee's written objection]~~ ***made in accordance with the procedures provided in RSA 541-A:13, II(b) or RSA 541-A:13, V***. The agency shall identify each minor editorial change in writing to the director of legislative services.

15 Time Limit; Reference to Manual Added. Amend RSA 541-A:17, I to read as follows:

I. No rule shall be effective for a period of longer than 8 years, but the agency may adopt an identical rule under RSA 541-A:5 through RSA 541-A:14, ***in conformance with the drafting and procedure manual adopted under RSA 541-A:8***.

16 Emergency Rules. Amend RSA 541-A:18, II to read as follows:

II. Notwithstanding RSA 541-A:16, III, emergency rules adopted under this section shall not remain in effect for more than ~~[(+20)]~~ ***180*** days from the date and time of filing with the director of legislative services. An agency may propose a permanent rule on the same subject at the same time that it adopts an emergency rule, but it shall not adopt the same emergency rule when the emergency rule expires.

17 Committee Procedure on Interim Rules. RSA 541-A:19, VIII is repealed and reenacted to read as follows:

VIII. The following procedures shall govern committee review of interim rules:

(a) The director of legislative services shall notify the agency of any potential bases for committee objection identified by committee legal counsel by forwarding a copy of the proposed

interim rule with counsel's comments noted thereon to the agency at least 7 days prior to the committee meeting at which the rule will be considered. Following receipt of the comments an agency may amend its interim rule to address the noted potential bases for objection. The agency may present the amended proposal to the committee for approval at the committee meeting. The committee may approve the rule as originally proposed or as amended.

(b) If the committee objects to the proposed interim rule as filed or as amended, it shall so inform the agency. In lieu of an objection, the committee may vote to conditionally approve the rule with an amendment, provided that the committee specified in its conditional approval the language of the amendment to address the basis for a preliminary objection. The committee shall notify the agency in writing of its conditional approval. Within 14 days of the meeting, the agency shall submit a written explanation to the committee in the form of a letter and an annotated text of the final proposed rule detailing how the rule has been amended in accordance with the conditional approval. The written explanation shall be signed by the individual holding rulemaking authority, or, if a body of individuals holds rulemaking authority, by a voting member of that body, provided that a quorum of the body has approved. Failure to submit a written explanation in accordance with the conditional approval and this paragraph shall cause the conditional approval to be deemed a committee vote to make a preliminary objection on the date of the conditional approval. If the committee legal counsel determines that the agency has amended the rule in accordance with the conditional approval and this paragraph, the committee legal counsel shall promptly send written confirmation of compliance to the agency. The agency may then adopt the rule as amended.

(c) If the committee objects to the proposed interim rule as filed or as amended pursuant to subparagraph VIII(a), the committee shall send the agency a written objection stating the basis for the objection. An objection or a conditional approval shall require the assent of a majority of the votes cast, a quorum being present.

(d) If the committee makes an objection to the proposed interim rule pursuant to subparagraph VIII(c), the agency may cure the defect or withdraw the interim rule. The agency shall respond to a committee objection only once, and shall report its response in writing to the committee prior to its next regularly scheduled meeting. Failure to respond to the committee in accordance with this subparagraph shall mean the rulemaking procedure for that proposed interim rule is invalid; however, the agency is not precluded from initiating the process over again for a similar rule, provided the conditions in paragraph I are met.

(e) The committee shall review the response and vote to approve the response or continue the objection.

(f) The committee's objection shall not preclude the agency from adopting the substance of an interim rule by meeting the requirements of RSA 541-A:3.

18 Adoption of Proposed Interim Rule; Effective Period Increased. Amend RSA 541-A:19, IX and X to read as follows:

IX. No proposed interim rule shall be adopted unless within 90 days of publication of the notice the committee votes to approve *or conditionally approve* the proposed interim rule.

X. No proposed interim rule shall be adopted unless the committee has voted to approve the proposed interim rule *or conditionally approve the proposed interim rule, provided that the committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19, VIII(b)*. An adopted interim rule shall be filed with the director of legislative services no later than 30 days following committee approval or conditional approval. An interim rule shall be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or at a later date, provided the agency so specifies in a letter to the director of legislative services and the effective date is within 30 days following committee approval or conditional approval. Interim rules shall be effective for a period not to exceed ~~[20]~~ 180 days. During the time an interim rule shall be in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it shall not adopt another interim rule to replace the expiring interim rule.

19 Gender Neutral; Executive Orders. Amend RSA 541-A:28 to read as follows:

541-A:28 Executive Orders and Opinions of the Attorney General. The secretary of state shall transmit each executive order received from the governor to the director of legislative services, who shall publish the text of the executive order in the *rulemaking* register ~~[of notice of rulemaking proceedings]~~. The attorney general shall transmit a copy of every non-confidential opinion relative to rulemaking or rulemaking authority issued by ~~[him]~~ *the attorney general* or in ~~[his]~~ *the attorney general's* name to the director of legislative services. The director shall publish such opinions in the rulemaking register.



20 Gender Neutral. Amend RSA 541-A:31, V(b) to read as follows:

(b) In order to facilitate proceedings and encourage informal disposition, the presiding officer may, upon motion of any party, or upon [his] *the presiding officer's* own motion, schedule one or more informal prehearing conferences prior to beginning formal proceedings. The presiding officer shall provide notice to all parties prior to holding any prehearing conference.

21 Gender Neutral. Amend RSA 541-A:35 to read as follows:

541-A:35 Decisions and Orders. A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request, a copy of the decision or order shall be delivered or mailed promptly to each party and to [his] *a party's* recognized representative.

22 Gender Neutral; Suspension of Provisions. Amend RSA 541-A:40, I to read as follows:

I. To the extent necessary to avoid a denial of funds or services from the United States which would otherwise be available to the state, the governor may suspend, in whole or in part, one or more provisions of this chapter. When the governor determines that a suspension is no longer necessary to prevent the loss of funds or services from the United States, [he] *the governor* shall issue an order specifying the dates of termination of a suspension.

23 Validity of Existing Rules. All rules adopted and effective on the effective date of this act shall remain valid until amended, repealed, or expired.

24 Required Information By Office of Legislative Services. The office of legislative services shall provide, as soon as possible, information to all agencies having rulemaking authority of the procedural and other changes required by this act in order to facilitate rulemaking by agencies.

25 Effective Date.

I. Section 8 of this act shall be effective upon its passage.

II. The remainder of this act shall take effect July 1, 2000.

Adopted.

Report adopted and referred to Finance.

**HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. OUGHT TO PASS WITH AMENDMENT

Rep. Avis B. Nichols for Finance: This bill as amended eliminates tolls on the Cheshire Bridge starting in 2001. This is a fairness issue. Since 1992, users of the Cheshire Bridge have been paying a toll designed to pay off the bond that was used to purchase and renovate the bridge. The Cheshire Bridge is not only the sole toll bridge in the state, it is also the only bridge where the tolls are used not only for retirement of the debt, but pay for maintenance of the bridge as well as all operating expenses.

If the toll is removed in 2001 the additional cost to the state highway fund is approximately \$500,000 more than it would be if we waited until 2005 when the surplus in the account would be sufficient to pay off the bonds. Vote 15-7.

### Amendment (2051h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2001.

Adopted.

Rep. MacGillivray spoke against.

Reps. Phinizy and Wallin spoke in favor.

Report adopted and ordered to third reading.

**HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: The policy established by the Judiciary Committee was left intact with the exception of the effective date. The amendment changed the January 1, 2000 date

to read "upon passage." It was the opinion of the Finance Committee that this bill has minimal financial impact, therefore we deferred to the policy committee on content. Vote 24-0.

#### **Amendment (2008h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 303-FN-A**, relative to the preservation of and access to legislative records and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Robert G. Holbrook for Finance: Finding \$140,000 of new, general funds at this time is just out of the question. We are all aware of the tremendous crowding and stacking of files and records and hope to see funding requested in the regular budget process. Vote 22-2.

Adopted.

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: This bill calls for the rehabilitation and reconstruction of the Walker Building, which is an 80-year-old, 108,000 square foot building located on the campus of the New Hampshire State Hospital. The building has been vacant for many years and is experiencing serious decay. The Finance Committee believes that returning this state-owned building to a constructive and positive use would be a fiscally sound decision given that the state currently leases over 300,000 square feet from private landlords at a cost of over \$3 million annually.

The committee amendment creates the opportunity and ability for the state to accomplish the reconstruction using a "construction management" technique whereby the state could hire a firm which would design, build, and finance the proposed project in return for an agreed-upon payment stream over the next twenty years.

The committee will continue to work on this concept throughout November and December and it is anticipated that the committee will ask that the bill be recommitted to the Finance Committee in order to incorporate further refinements into the bill. Vote 20-1.

#### **Amendment (2071h)**

Amend the bill by replacing all after the enacting clause with the following:

I Design for Rehabilitation of New Hampshire Hospital's Walker Building.

I. The department of transportation shall develop and issue a request for proposals from experienced and qualified construction firms for the design, rehabilitation, reconstruction, and financing of the Walker building at New Hampshire hospital.

II. Proposals shall be submitted on or before April 30, 2000.

III. Notwithstanding the provisions of RSA 228:4, 228:4-a and 21-I:22, the department of transportation shall develop criteria for awarding the bid.

IV. The project may be built under the construction management process, provided that selection and award are based on an objective standard and that there are measurable criteria for evaluation.

V. The department of administrative services shall have responsibility for the administration of the Walker building, including the determination of appropriate rents to be paid by an agency occupying the Walker building. The commissioner of administrative services shall have the authority to expend the sums necessary to make any rent payments to the firm selected, which shall be continually appropriated for said purpose.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill authorizes the department of transportation to develop and issue a request for proposals for the design and rehabilitation and financing of the Walker building at New Hampshire hospital and to establish criteria for the bidding process.

Adopted.

Rep. Kurk moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: This bill, as referred to Finance, had several components. First, the bill re-directed approximately \$750,000 of unrefunded road toll revenue from the general fund to the harbor dredging and pier maintenance fund. Second, it established new fees on boats registered in tidal waters and new slip fees. Combined, the fees are estimated to generate \$60,000 that would be deposited into the harbor dredging and pier maintenance fund. Third, the bill transfers the commercial fish piers at Portsmouth, Rye and Hampton from the Department of Resources and Economic Development to the NH Port Authority. Finally, the bill established two studies and required an additional report be filed.

The amendment eliminated the redirection of the unrefunded road toll revenue and replaced it with a study of unrefunded road tolls. The amendment made no changes related to the new fees. The amendment modified the language used in Department of Resources and Economic Development and Port Authority statutes to clarify the House Public Works policy that DRED would retain control of the recreational activities at the piers after the transfer to the Port Authority. Finally, the amendment struck out the two study committees and the additional report because they passed in the trailer bill in the 1999 session Vote 21-1.

**Amendment (2058h)**

Amend the bill by replacing all after the enacting clause with the following:

1 State Treasurer and State Accounts; Application of Receipts; General Revenue Exceptions; Reference Changed. Amend RSA 6:12, I(vvv) to read as follows:

(vvv) Moneys deposited in the *harbor* dredging [~~projects~~] *and pier maintenance* fund established in RSA 271-A:21.

2 Department of Resources and Economic Development; Bureau of Marine Services; Exception Added. Amend RSA 12-A:7-a to read as follows:

12-A:7-a Bureau of Marine Services. There is hereby established in the division of parks and recreation of the department of resources and economic development, a bureau of marine services, which shall have the responsibility for and jurisdiction over *recreational activities* at state-owned [~~commercial~~] fishing piers and facilities.

3 Navigation; Vessel Registration and Numbering; Registration Required; Application; Tidal and Coastal Waters. Amend the introductory paragraph of RSA 270-E:3, III to read as follows:

III. Application for registration shall be in such form and contain such information as the commissioner shall determine. The fees required by RSA 270-E:5 shall accompany the application. The application shall request the principal use of the vessel *and ask whether the vessel is to be registered for tidal and coastal waters*. The application shall also contain the following statements:

4 New Subparagraph; Navigation; Vessel Registration and Numbering; Registration Fees; Surcharge for Vessels Registered for Tidal or Coastal Waters. Amend RSA 270-E:5, II by inserting after subparagraph (d) the following new subparagraph:

(e) \$2 for each registration for tidal or coastal waters. The surcharge collected under this subparagraph shall be paid into the harbor dredging and pier maintenance fund established under RSA 271-A:21.

5 Navigation; New Hampshire State Port Authority; Powers and Duties; Fees for Mooring and Slip Permits. Amend RSA 271-A:3, V(a) to read as follows:

(a) Be authorized to set and collect fees for mooring and slip permits and waiting lists for such permits. *The authority shall establish fees for slips in harbors and tidal rivers that are equal to or proportional to the fees for moorings in harbors. Fees shall not be charged for slips at industrial piers along the Piscataqua River or at state-owned piers in harbors. The fees for slips shall be paid into the harbor dredging and pier maintenance fund established under RSA 271-A:21.*

6 New Paragraph; Navigation; New Hampshire State Port Authority; Powers and Duties; Piers in Portsmouth, Rye Harbor, and Hampton Harbor. Amend RSA 271-A:3 by inserting after paragraph VI the following new paragraph:

VII. Have the responsibility for and jurisdiction over the state-owned commercial fishing piers and facilities at Portsmouth, Rye Harbor, and Hampton Harbor except as provided in RSA 12-A:7-a.

7 Navigation; New Hampshire State Port Authority; Dredging Projects Fund Changed to Harbor Dredging and Pier Maintenance Fund. Amend RSA 271-A:21 to read as follows:



271-A:21 **Harbor Dredging [Projects] and Pier Maintenance** Fund Established.

I. There is hereby established a **harbor dredging [projects] and pier maintenance** fund to be used by the New Hampshire state port authority to meet its obligation to initiate and implement dredging projects to maintain channels and harbors, *and to initiate projects to maintain public piers in safe and efficient condition.*

II. The fund shall be nonlapsing and continually appropriated for the purposes of initiating and implementing **harbor dredging projects and maintaining public piers.** The New Hampshire state port authority shall, in each biennium, request annual appropriations to the fund in an amount sufficient to provide for the funding of the authority's periodic **harbor dredging and pier maintenance** efforts. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. The New Hampshire state port authority shall not encumber, obligate, or expend any funds from the **harbor dredging [projects] and pier maintenance** fund without the prior approval of the capital budget overview committee.

8 Commercial Fish Piers in Portsmouth, Rye Harbor, and Hampton Harbor; Transfer from Department of Resources and Economic Development to New Hampshire State Port Authority. The department of resources and economic development shall transfer the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor to the New Hampshire state port authority. Upon such transfer, the port authority shall have responsibility for and jurisdiction over each such pier and shall assume control of the management, operation, and maintenance of each respective pier. The transfer of the commercial fish pier in Portsmouth shall be completed within 60 days of the effective date of this section and after proper coordination with the city of Portsmouth and the commercial fishing industry lessees of the pier. The transfer of the commercial fish piers in Rye Harbor and Hampton Harbor shall be completed by June 30, 2001 and after a plan is developed by the port authority, the department of resources and economic development, and the long range capital planning and utilization committee to separate the recreational and commercial elements in the use of these facilities. The port authority shall certify to the secretary of state the date that each transfer is completed pursuant to this section.

9 Applicability. The provisions of RSA 271-A:3, VII, as inserted by section 6 of this act shall take effect with respect to each of the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor as the New Hampshire state port authority assumes control of the management, operation, and maintenance of each respective pier pursuant to the provisions of section 8 of this act.

10 Committee to Study Unrefunded Road Tolls.

I. Committee Established. There is established a committee to study unfunded road tolls.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) Three members of the senate, appointed by the president of the senate.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study unfunded road tolls, including, but not limited to, the calculation, distribution, and uses of unfunded road toll balances.

IV. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

11 Effective Date.

I. Sections 1 and 4 of this act shall take effect July 1, 2000.

II. Section 10 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill:

I. Changes the dredging projects fund to the harbor dredging and pier maintenance fund.

II. Establishes a surcharge for boats registered for tidal and coastal waters to be paid into the harbor dredging and pier maintenance fund.

III. Requires the port authority to set slip fees equal to mooring fees.

IV. Transfers the commercial fish piers in Portsmouth, Rye Harbor, and Hampton Harbor from the department of resources and economic development to the port authority.

V. Establishes a committee to study unrefunded road bills.

Adopted.

Report adopted and ordered to third reading.

**HB 618-FN-A**, establishing a voucher program for smoking cessation and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: This bill establishes a three-year smoking cessation voucher pilot program for persons receiving temporary assistance to needy families. This program is funded at \$150,000 per year from the tobacco use prevention fund. The pilot program will identify those persons on assistance who smoke and will encourage and provide cessation assistance methods not currently covered under medicaid. Future health and financial benefits to the individual and the state can be anticipated. Vote 18-1.

## Amendment (2123h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a voucher program for smoking cessation.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Smoking Cessation Voucher Program. Amend RSA by inserting after chapter 126-M the following new chapter:

## CHAPTER 126-N

## SMOKING CESSATION VOUCHER PROGRAM

126-N:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

126-N:2 Program Established; Rulemaking.

I. There is established the smoking cessation program which shall be administered by the department. The department shall make available to persons receiving temporary assistance to needy families, vouchers which may be issued to persons for smoking cessation aids and educational programs. Vouchers shall not be issued for pharmaceuticals which are covered under medicaid.

II. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

(a) An application process and manner of distribution of vouchers.

(b) Authorized smoking cessation aids and educational programs.

(c) Any other matter necessary to the administration of this chapter.

2 Appropriation. There is hereby appropriated, the sum of \$150,000 for the fiscal year ending June 30, 2001, and \$150,000 for each of fiscal years 2002 and 2003, from the moneys received under RSA 126-K:15, the tobacco use prevention fund.

3 Repeal. RSA 126-N, relative to a smoking cessation voucher program, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 2003.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a smoking cessation voucher program to be administered by the department of health and human services and funded from the tobacco use prevention fund.

Adopted.

Report adopted and ordered to third reading.

**HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Charles L. Vaughn for Finance: This bill establishes a scholars program recognizing highly qualified New Hampshire high school graduates. Funds are to be awarded to these students who

pursue degree programs at public colleges and universities in the state. The bill had a general fund appropriation of \$5 million to be matched by private funds. The Finance Committee recognized the benefits of this scholarship program, but reduced the appropriation to \$1 because of state school funding shortfall, thus keeping the idea alive. Vote 20-1.

#### **Amendment (2056h)**

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2000, and the sum of \$1 for the fiscal year ending June 30, 2001, are hereby appropriated to the postsecondary education commission for the purposes of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

#### **AMENDED ANALYSIS**

This bill establishes the granite state scholars program which recognizes highly qualified high school graduates and provides a state match for private funds raised by public institutions of higher education to be used for incentive grants to granite state scholars pursuing degree programs at public colleges and universities within the state. The bill makes an appropriation of \$1 for the program. Adopted.

Report adopted and ordered to third reading.

**HB 735-FN-A**, establishing a contributory judicial retirement plan. **INEXPEDIENT TO LEGISLATE** Rep. Margaret A. Lynch for Finance: This bill establishes a contributory judicial defined contribution retirement plan. This is a major change to present policy. While this issue has been under consideration and study for a long period of time, it was acknowledged, even by the sponsors of the bill, that the bill was not ready to be enacted in its present form.

The Finance Committee has a strong interest in investigating this subject matter further and in securing the additional facts and figures impacting changes to the present judicial retirement plan. In an attempt to avoid sending the wrong message to House members (i.e., the present bill is ready for passage) the committee voted Inexpedient to Legislate with the anticipation that a motion to recommit will be offered to the full House membership. Vote 18-6.

Rep. Kurk moved Re-commit to Committee and spoke in favor.

Adopted.

**SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Jane Wallner for Finance: The bill as amended establishes a committee to study the NH Assisted Technology Partnership Project. The study is to be completed by April 1, 2000. This project will be losing federal funding in the near future and the study will make recommendations to the legislature as to future direction of this project. Vote 18-0.

#### **Amendment (2124h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to technology support for individuals and establishing a committee to study certain assistive technology services provided statewide.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose and Intent. The purpose of this legislation is to insure that individuals with disabilities will continue to be supported through assistive technology. In 1988, the federal Technology Related Assistance Act was passed to create systems changes at the state and local level to assist individuals affected by disabilities or the aging process. Since 1991, the New Hampshire Assistive Technology Partnership Project has been committed to impacting change through a partnership with ATECH services, which is a statewide program providing centralized service for assistive technology information, training, and equipment refurbishment and redistribution. Currently, thousands of individuals in New Hampshire have physical, sensory, or cognitive impairments and are able to maximize independence through the benefits of assistive technology information and services. Without this support, more state and local dollars would be spent on nursing home or institutional support. A reduction in federal funding jeopardizes the continuance of the current ATECH programs and this legislation seeks to continue the important work now in progress. The study committee



included in this act shall evaluate the general operations and procedures of ATECH services focusing on the overall effectiveness and integrity of ATECH services statewide to determine the need for continued funding.

2 Committee Established. There is established a committee to study the general operations of ATECH services, a statewide program providing centralized assistive technology services and information.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study the general operations of ATECH services including, but not limited to, issues related to funding, equipment refurbishment and redistribution procedures, training programs, and other areas of ATECH operations deemed in furtherance of the objectives of the committee.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before April 1, 2000.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study the provision of certain statewide assistive technology services and information.

Adopted.

Report adopted and ordered to third reading.

**SB 222-FN-A-L**, relative to guarantee of loans to local development organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: This bill was introduced at the request of the Business Finance Authority (BFA) and the Berlin Economic Development Corporation. The proposal allows for the governor and council to award a state guaranty on BFA-approved loans to local non-profit community development organizations which provide capital for economic development. The bill expands the BFA's scope of guaranties but does not increase the current level of guaranty authority of the BFA. Additionally, the bill does not carry a state appropriation.

At the urging of the BFA, the Finance Committee amendment deletes a section of the bill which was inadvertently included when the bill was drafted. Vote 21-0.

#### Amendment (2064h)

Amend the bill by deleting section 2 and renumbering the original sections 3-6 to read as 2-5, respectively.

Amend the bill by replacing section 2 with the following:

2 Public Safety and Welfare; Business Finance Authority; Programs for Public Purpose, Required Findings; References Added. Amend the introductory paragraph of RSA 162-A:18, I to read as follows:

I. The authority shall not take any action described in RSA 162-A:7, IV, 162-A:9, III, 162-A:10, IV, or 162-A:12, V, and the governor and council shall not award any guarantee under ***RSA 162-A:7-a***, RSA 162-A:8, ***RSA 162-A:10, III***, [or] ***RSA 162-A:13***, ***or RSA 162-A:13-a*** unless the governor and council have made the following findings:

#### AMENDED ANALYSIS

This bill establishes state guarantees of loans to local development organizations.

Adopted.

Report adopted and ordered to third reading.

**SB 85-FN**, including the judiciary as a public employer under the public employee labor relations act. REFER FOR INTERIM STUDY

Rep. John M. Pratt for Judiciary: This bill would make it possible for employees of the Judiciary branch of state government to choose whether to unionize and consequently to engage in collective bargaining. The committee believed that the costs and details of such an action were significant and needed to be fleshed out in greater detail before such a bill comes to the floor. Vote 13-5. Adopted.

**HB 730-FN**, establishing a pilot program for the recording of committee proceedings of the general court. OUGHT TO PASS WITH AMENDMENT

Rep. Merton S. Dyer for Legislative Administration: The bill, as amended by the committee, will establish a committee to study audio and/or audio/visual recording of committee meetings. The committee, working with state officials knowledgeable with digital audio or visual recording, will research various methods of recording and will be allowed to rent or lease, for a short time, various electronic devices to see if they will produce a good recording. Various standing committees will be asked to try the equipment in their committee rooms for a very short time. This will be a hands-on, try-it program. Vote 12-0.

#### Amendment (2197h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a house committee to review methods for recording committee sessions, authorizing a request for proposals, and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Purpose. The general court finds that it is in the best interest of both the public and the legislature to maintain the best possible records of the public proceedings conducted by the legislature. Accurate records provide the public with a means for understanding the work performed by their legislative representatives and are vital in determining legislative intent. The general court recognizes that new developments in digital recording and storage may be the basis for new methods for recording legislative proceedings. In order to determine whether new technologies will improve the recordkeeping of the New Hampshire General Court, it is necessary to establish a research and development program to allow for experimentation with various methods of recording public proceedings.

2 Committee Established. There is established a committee to determine the feasibility of recording legislative proceedings digitally. If such recording is determined to be feasible, the committee is further charged with selecting the appropriate method for making and storing such recordings.

3 Membership; Chairperson; Meetings; Quorum. The speaker of the house of representatives shall appoint 5 members of the house to serve on the committee. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

4 Duties; Request for Proposals.

I. The committee shall issue a request for proposals to companies that manufacture digital recording equipment. The committee shall select 3 to 5 proposals for recording and storing the records of legislative proceedings. The committee shall have the authority to lease or rent the appropriate equipment and the selected options shall be used to record house committee proceedings on a temporary basis. House standing committee chairpersons shall be asked to participate in the trial recording program and to assist the committee in assessing the equipment tested. The committee shall consult representatives from the office of the general court information systems, the division of information technology management, the records management and archives division of the department of state, and industry representatives in the development of the trial recording program.

II. If a digital recording program is determined to be feasible, the committee shall select the appropriate method for making and storing such recordings.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Appropriation. There is hereby appropriated the sum of \$1,500 from the general fund for the purposes of leasing or renting digital recording equipment on a trial basis. These funds shall

not be used to hire consultants. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a house committee to determine the feasibility of recording legislative proceedings digitally, and to issue a request for proposals to begin a trial recording program of certain house committee proceedings. The bill makes an appropriation for the purpose of leasing or renting equipment.

Adopted.

Report adopted and ordered to third reading.

#### **HB 507-L**, relative to the taxability of certain appurtenant land to a taxable building. INEXPEDIENT TO LEGISLATE

Rep. Roger T. Zerba for Municipal and County Government: For private colleges and boarding schools, buildings used for dormitories, dining rooms and kitchens are taxed on their value in excess of \$150,000. This value was established in 1907; it excludes the land upon which the building(s) sit. Currently, there are 21 such institutions that pay these annually. HB 507 seeks to tax that land underneath the buildings used for dormitories, dining rooms and kitchens. None of the host cities or towns of those educational institutions expressed any concerns with the current taxation law to the committee. In fact, the committee was advised that excellent relationships exist between these institutions and their host towns. A majority of the committee concurred that the existing taxation method is agreeable and acceptable to both sides, and thus voted 12-4 to recommend this. Vote 12-4.

Adopted.

#### **HB 86-A**, making a capital appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. OUGHT TO PASS WITH AMENDMENT

Rep. James A. Whittemore for Public Works and Highways: The full Committee on Public Works and Highways voted unanimously to support the renovation and preservation of the Daniel Webster Birthplace buildings in Franklin. By renovating the Sawyer House this will make it possible for caretakers to live there and provide supervision of the property for school children and tourists who visit this state historic site. The funding in the amendment is one third private and two thirds from the Conservation Plate Trust Fund under RSA 261:97-6. Vote 16-0.

### Amendment (2082h)

Amend the title of the bill by replacing it with the following:

AN ACT making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Resources and Economic Development; Renovation of Sawyer House.

I. The sum of \$105,180 is appropriated to the department of resources and economic development for the biennium ending June 30, 2001, for the purpose of renovating the Sawyer House for year-round use. The Sawyer House is located at the Daniel Webster Birthplace in the city of Franklin.

II. The sum appropriated to the department of resources and economic development in paragraph I shall be nonlapsing. The source of funds for the sum appropriated shall be as follows:

(a) \$75,000 from the funds distributed to the department of resources and economic development from the conservation plate trust fund under RSA 261:97-b.

(b) \$30,180 from public and private donations made to the state for purposes of renovation of historic properties.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill makes an appropriation to the department of resources and economic development for renovation of the Sawyer House as a year-round residence. The Sawyer House is located at the Daniel Webster Birthplace in the city of Franklin.

Adopted.

Report adopted and referred to Finance.



**HB 305-A**, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard F. Ahern for Public Works and Highways: This bill provides a lease purchase between Cheshire County (bonding agency) and the state for a new district court house serving the Jaffrey and Peterborough District Court. The current facility is in an old manufacturing building leased at a cost of \$48,000 per year. The land for the new court is being donated by a private family with a four-year time limit for construction of a court facility expiring in 2001. So if the state does not act soon, the donors may rescind their gift. This gift weighed very heavily in committee deliberations. This is the first priority solely for a district court from the judicial branch. The design is generic and as such would cost less to construct. This project has been ongoing for more than 12 years. The donation of the land moved the project along and then Cheshire County agreeing to bond the project helped the forward progress. The town has done environmental tests and engineering studies at its own expense so everything would be ready when the state was ready. Now seems to be the correct time. Vote 15-1.

#### **Amendment (2126h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey.

Amend the bill by replacing all after the enacting clause with the following:

1 Cheshire County; Department of Administrative Services; Lease-Purchase Agreement for Construction of District Courthouse Authorized.

I. The department of administrative services and Cheshire county are authorized to enter into a lease-purchase agreement for the construction of a new district courthouse to be located in the town of Jaffrey in Cheshire county.

II. If Cheshire county and the department of administrative services enter into such an agreement, the county shall issue bonds in an amount up to \$2,600,000 to pay the costs of construction of the courthouse. No portion of this bond issue shall be used to fund any project other than the courthouse. The bonds shall be 20-year bonds.

III. Cheshire county shall lease the building to the state. The lease-purchase agreement shall include a requirement that the state pay the annual amortization charges, meaning principal and interest, on the original costs resulting from the construction of the courthouse from the general fund. The term "original costs", as used in this section, shall mean the entire cost of the construction of the courthouse. When all amortization charges have been paid by the state, the state shall be deemed to have purchased the courthouse.

2 Effective Date. This act shall take effect July 1, 2000.

#### **AMENDED ANALYSIS**

This bill authorizes a lease purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey.

Adopted.

Report adopted and referred to Finance.

**HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: In the early 70s, funds for regional vocational schools were approved and with one exception all were built. Now 25+ years later, most of these schools need upgrading or replacement. Some schools have made upgrades with their own funds while others need to start from scratch. To a member all could see the benefit from those facilities, however larger capital expenditures outside of the capital budget are difficult. We are talking in dollar terms of \$6+ million and over time could reach in excess of \$100 million. The committee amendment directs the Commissioner of the Department of Education to submit capital budget request and priority list of facilities and programs eligible for funds. It also provides 75 percent state and 25 percent local funding. This solution allows the regional vocational schools to be eligible for funding on a regular basis not requiring special consideration. Vote 15-2.

**Amendment (2137h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Regional Vocational Education; Appropriation for Renovation and Expansion; Approval and Funding. RSA 188-E:10 is repealed and reenacted to read as follows:

188-E:10 Appropriation for Renovation and Expansion.

1. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the renovation and expansion of regional vocational education centers or regional vocational education programs provided that:

(a) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for renovation and expansion;

(b) Each request for funding follows the capital budget procedure which includes capital budget overview committee approval for each project;

(c) Each school district requesting funds from the department of education establishes and funds a renovation and expansion reserve fund, which shall be used by the school district to pay renovation and expansion costs not funded by the state, and which may include funding for the replacement of equipment; and

(d) The state provides no more than 75 percent of the funding for projects approved pursuant to this paragraph.

II. The renovation and expansion reserve funding required by subparagraph I(c) may be funded through local community funds, vocational education tuition payments, gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, organizations, or institutions.

2 Applicability; Funding Limitation. Any regional vocational education center or regional vocational education program which received approval from the state board of education for initial construction before July 1, 1997 and which has not commenced construction prior to the effective date of this act shall be exempt from the funding requirements of RSA 188-E:10, I(c). This exemption shall not apply to any other cost-sharing requirements of RSA 188-E or rules of the department of education.

3 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes requirements for state funding of renovation and expansion of regional vocational education centers and regional vocational education programs.

Adopted.

Report adopted and referred to Finance.

**SB 178-FN-A**, relative to appropriations to the port authority for dredging projects. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: The original bill would amend a previous appropriation to the Port Authority for improvements to permit up to \$1 million for dredging and associated mitigation projects. The committee amendment identifies specific projects needed in harbor and port operations. The committee received information that the federal government will not issue any more wetlands permits until the \$400,000 hydrodynamic study of Hampton and Seabrook harbors and waterways is done. This affects both public and private (homeowners within the area) projects. The committee felt that it was very important to proceed with this project so that things would not come to a complete standstill in the area. The other part of the bill deals with improvements to the fishing piers that may be transferred to the Port Authority for \$600,000. Vote 16-0.

**Amendment (2191h)**

Amend the bill by replacing all after the enacting clause with the following:

1 1991 Appropriation; Port Authority; Dredging Projects Added. Amend 1991, 351:5, as amended by 1992, 260:20 and 1994, 204:1 to read as follows:

351:5 Appropriation; Port Authority. The expansion of the Port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port, [and] the construction of a 750-foot pier, *dredging projects including associated mitigation to maintain channels and harbor, a hydrodynamic study of Hampton and Seabrook, and renovation of any commercial fish piers that may be transferred to the port authority*. The sums hereinafter detailed are hereby appropriated for the project specified:

A. Port of Portsmouth Expansion	\$18,300,000
Total state appropriation section 5	\$18,300,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless an action plan, which shall include construction documents, prepared by the New Hampshire Port Authority shall be approved by the capital budget overview committee, the fiscal committee, and the governor and council. \$1,500,000 of the total amount appropriated herein is hereby released for the purpose of final design and bid documents. \$1,800,000 of the total amount appropriated is designated for wetland mitigation. **\$400,000 of the total amount appropriated is designated for the Hampton-Seabrook hydrodynamic study.** The remaining [~~\$15,000,000~~] **\$14,600,000** is designated for construction, **renovation and dredging projects including associated mitigation.** This appropriation shall be nonlapsing until the project is completed. ***The New Hampshire Port Authority shall not encumber, obligate, or expend any funds from this appropriation for renovation or dredging projects without the prior approval of the capital budget overview committee. The total amount that may be expended for renovation and dredging projects including associated mitigation shall not exceed a total of \$1,000,000.***)

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill makes certain money appropriated to the New Hampshire port authority available for dredging projects including associated mitigation, a hydrodynamic study of Hampton and Seabrook, and renovation of any commercial fish piers that may be transferred to the port authority. Adopted.

Report adopted and referred to Finance.

**HB 580-FN-A-L**, creating a new tourism district and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This bill, as amended, would enable the Commissioner of the Department of Resources and Economic Development, for one time only (during the biennium ending June 30, 2001), to award from the Joint Promotional Program funded at \$600,000, a grant of up to \$25,000 to an organization whose purpose is to promote tourism in the Connecticut River area. The grantee shall coordinate its marketing efforts with existing tourism organizations in New Hampshire, Vermont and communities along the river. This bill does not create a new tourism district; rather, it is to provide an incentive to Connecticut River organizations to develop real initiatives for marketing their area. This bill does not create any ongoing entitlement to Joint Promotional Program funds for the Connecticut River area. Future projects for the Connecticut River area would go through the screening committee on the same competitive footing as other applicants from around this state. Vote 12-2.

### Amendment (2152h)

Amend the title of the bill by replacing it with the following:

**AN ACT** authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination.

Amend the bill by replacing all after the enacting clause with the following:

I Department of Resources and Economic Development; Joint Promotional Program; Grant for Marketing of Connecticut River Area.

I. Notwithstanding RSA 12-A:1-e, the commissioner of resources and economic development may award, in the form of a grant, a sum of up to \$25,000 during the biennium ending June 30, 2001 from funds appropriated to the joint promotional program to an organization whose purpose is promoting tourism in the Connecticut river area. The commissioner may develop written guidelines or requirements for grant applicants that are consistent with the provisions of this act.

II. The grantee shall be either not-for-profit or community-based, and shall have as its primary mission the marketing of the Connecticut river area. Prior to receiving the grant, the grantee shall demonstrate to the commissioner a strong capacity to sustain its activities, accomplish its mission, and coordinate disparate promotional efforts.



III. The grantee shall coordinate its marketing efforts with those of existing tourism organizations, the states of New Hampshire and Vermont, and the communities along the Connecticut river. The grantee's marketing efforts shall include the promotion of future Connecticut river valley development and travel initiatives, such as the reintroduction of excursion rail.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill authorizes the commissioner of resources and economic development to award a grant from funds appropriated to the joint promotional program to an organization whose purpose is promoting tourism in the Connecticut river area.

Adopted.

Report adopted and referred to Finance.

**SB 135-FN**, relative to water supply land protection grants. **OUGHT TO PASS WITH AMENDMENT**

Rep. H. Charles Royce for Resources, Recreation and Development: Senate Bill 135-FN, as amended, develops a grant program with the Department of Environmental Services for not-for-profit water supply companies and municipal drinking water systems to acquire land over and adjacent to their water supplies. The state may grant up to 25 percent of the water supply land acquisition costs. Land could be acquired by the grantee through conservation easements, gifts or fee simple purchases with willing donors or sellers. Towns or cities will be responsible for the stewardship of lands acquired by reporting annually to the Department of Environmental Systems. A provision of this bill requires the Department to report biannually to the Legislature, listing all land and land rights acquired under this program and also expenditures for each land stewardship activity. This insight will be helpful if modifications are necessary in future years. Following New Hampshire tradition, land protection through this bill is voluntary and it provides strong incentives to encourage cities and towns to protect their water resources in a cost-share program. Vote 14-0.

### Amendment (2142h)

Amend the bill by replacing all after the enacting clause with the following:

1 Water Management and Protection; Aid to Public Water Systems; Water Supply Land Protection Grants Added. Amend RSA 486-A:1-8 to read as follows:

486-A:1 Purpose. The purpose of this chapter is to provide a state contribution to aid all public water systems in achieving compliance with the requirements of the surface water treatment rules of the federal Safe Drinking Water Act *and to protect sources of public drinking water that serve community or non-transient non-community water systems and associated natural resources through the acquisition of land or conservation easements within source water protection areas.*

486-A:2 Definitions. In this chapter:

I. "Construction" means:

(a) The installation or building of:

(1) new wells or well buildings; or

(2) filtration systems and associated pump stations, pump equipment, chemical treatment systems, telemetry and metering equipment, and storage tanks; and

(3) distribution mains and valves needed to interconnect the new wells or filtration system to the existing system as may be required by the department and the EPA.

(b) Altering, improving or adding to existing water treatment or water source, storage or transmission main facilities in order to meet the requirements of the surface water treatment rules.

(c) Engineering services related to the activities identified under this paragraph.

I-a. "Community water system" means a community water system as defined in RSA 485:1-a, I.

II. "Department" means the department of environmental services.

III. "Eligible *surface water treatment* costs" means the actual cost of construction and related services necessary for a municipality to comply with the surface water treatment rules of the department of environmental services and the EPA, but shall not include the following:

(a) Land acquisition, except for land which shall be an integral part of a well system or filtration system;

(b) Easements and rights-of-way necessary to the project;

(c) Distribution systems and any improvement thereto not necessary for the municipality to achieve compliance with the surface water treatment rules; and

(d) Any administrative, legal, and fiscal costs related to the project.

**III-a. "Eligible water supply land protection costs"** means the actual cost of permanently conserving substantially undeveloped land within one or more source water protection areas for active or proposed sources of public drinking water supplying a community or non-transient non-community water system, including the cost of land or conservation easement acquisition and associated legal and transaction costs.

IV. "EPA" means the United States Environmental Protection Agency.

V. "Non-transient non-community water system" means a non-transient non-community water system as defined in RSA 485:1-a, XI.

VI. "Source water protection area" means the area around a source of public drinking water, such as a well or surface water intake, through which water is likely to flow towards the source.

VII. "Stewardship" means ongoing surveillance of water supply protection land acquired pursuant to this chapter to ensure that the conservation intent is maintained.

VIII. "Water supply land protection grantee" means an entity that receives a water supply land protection grant to acquire and maintain in perpetuity land or easements for the purpose of protecting a drinking water source. A water supply land protection grantee shall be a non-profit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code and having public water supply as its principal mission or a municipality.

486-A:3 State Contribution; *Surface Water Treatment Costs; Water Supply Land Protection Costs.*

I.(a) Any public water system which is or was required, beginning in 1986, to achieve compliance with the surface water treatment rules of the EPA or the rules of the New Hampshire department of environmental services adopted to implement the federal Safe Drinking Water Act amendments of 1986 shall be eligible for a state contribution. As its contribution, the state shall pay 20 percent of the annual amortization charges, meaning the principal and interest, on the eligible *surface water treatment* costs resulting from the construction of new wells or a filtration system to meet the requirements of the surface water treatment rules.

[H-] (b) To be eligible under ~~[this chapter]~~ *RSA 486-A:3, I(a)*, construction shall be necessary in order for the public water system to comply with the surface water treatment rules of the department or the EPA, or both. Plans for construction shall be approved in accordance with the provisions of RSA 485:8.

**II. The state may pay up to 25 percent of the eligible water supply land protection costs.**

486-A:4 Additional State Contribution.

I. In addition to any other state contribution provided in this chapter, the commissioner of the department ~~[of environmental services]~~, with the approval from the governor and council, may, upon review of plans submitted by a public water system and within the limits of available appropriations, pay 10 percent of the annual amortization charges, meaning principal and interest, on the eligible *surface water treatment* costs resulting from the installation and construction of water supply facilities required by the surface water treatment rules of the Safe Drinking Water Act.

II. This additional contribution may be provided when such installation or construction will result in user fees that are 20 percent above the statewide average for residential customers.

486-A:5 Equitable Allocation of Costs. The department shall not approve any contribution *for surface water treatment* under this chapter unless it shall first have determined that the applicant:

I. Has adopted or will adopt a system of charges to assure that each recipient of water service within the applicant's jurisdiction, as determined by the department, will pay ~~[his]~~ *its* proportionate share of the costs of operation and maintenance, including replacement, of water services provided by the applicant.

II. Has legal, institutional, managerial, and financial capability to ensure adequate construction, operation, and maintenance of water works throughout the applicant's jurisdiction.

486-A:6 Application for Funding. Application for payments under the provisions of this chapter shall be made in accordance with rules adopted by the commissioner under RSA 541-A, and, *for surface water treatment projects*, shall be based upon reports filed with the commissioner prior to January 31, in the calendar year for which payment is being requested.

486-A:7 Applicant Agreement.

I. Applications for state grants ~~[under this chapter]~~ *for surface water treatment* shall contain an agreement that the applicant:

[F-] (a) Has installed the water works facilities in accordance with the plans and specifications approved by the department;

[H-] (b) Will provide proper and efficient operation and maintenance of facilities;

[HH-] (c) Agrees that failure to install the facilities in accordance with the approved plans and specifications or to provide proper and efficient operation and maintenance of such facilities shall result in loss of payments of the annual grant installment next following such failure. The loss of payment of the annual grant installment shall continue in effect until such time as the applicant has completed the steps necessary to install the facilities in accordance with plans and specifications approved by the department, or made provisions for proper and efficient operation and maintenance of the facilities in accordance with department instructions or both.

**II. Applications for water supply land protection grants shall contain a statement that the applicant shall comply with the following conditions:**

(a) *The applicant shall purchase the land or conservation easement from a willing seller, and the purchase shall include only land within the source water protection area of an active or proposed public drinking water source supplying a community or non-transient non-community water system or only small portions of land beyond the source water protection area under circumstances which make subdivision impractical;*

(b) *The land or conservation easement shall be owned, in perpetuity, by a water supply land protection grantee;*

(c) *The land shall be maintained in perpetuity to protect the drinking water source and no land use or development shall occur that would diminish the quantity or quality of the drinking water;*

(d) *The land, if purchased in fee simple, shall not be posted to prohibit hiking, hunting, and fishing, unless the department deems such posting necessary to protect the associated water supply or other natural resources;*

(e) *The applicant shall provide required stewardship and submit annual stewardship reports to the department.*

486-A:8 Priority of Applications.

**I. For surface water treatment projects,** the department [~~of environmental services~~] shall establish and maintain a priority list of projects eligible to receive grants under RSA 486-A:3. The priority list shall include the highest priority projects ready for construction and anticipated to receive grants from appropriated funds within the next fiscal year. [~~The commissioner or designee shall hold an annual public hearing to receive testimony on the projects recommended by the department to receive grants in the next fiscal year. After considering the testimony offered at the hearing, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly.~~] The list required by this section shall not be considered rules subject to the provisions of RSA 541-A.

**II. For water supply land protection projects, the department shall prioritize projects in accordance with rules established under RSA 486-A:11. Prioritization factors shall include, but not be limited to:**

(a) *Distance from and relation to the drinking water source.*

(b) *Size of the area proposed for protection relative to the size of the source water protection area.*

(c) *Natural resource values, including wetlands, habitat protection, and recreational uses.*

(d) *Current protection status of the source water protection area.*

(e) *Ability of the applicant to pay for water supply land protection.*

2 New Section; Public Notice. Amend RSA 486-A by inserting after section 8 the following new section:

486-A:8-a Public Notice.

**I.** For surface water treatment projects, the commissioner of environmental services or designee shall hold an annual public hearing to receive testimony on the projects recommended by the department, in accordance with RSA 486-A:8, to receive grants in the next fiscal year. After considering the testimony offered at the hearing, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly.

**II.** The department shall provide notice by certified mail to the municipality in which the land is located of each water supply land protection project recommended by the department, in accor-



dance with RSA 486-A:8, to receive a grant, and shall wait 20 days for a hearing request. Upon request of the governing body of the municipality in which the land is located, the commissioner of environmental services or designee shall hold a public hearing to receive testimony on any project recommended to receive a grant. The department shall provide notice of any such hearing at least 30 days prior to the hearing by notices posted in at least one public place in the municipality and in at least 2 newspapers of general circulation in the region, and by certified mail to the governing body of the municipality. After considering the testimony offered at all of the public hearings requested for that year's recommended projects, the commissioner shall finalize the priority list for the next fiscal year, and project assistance shall be granted accordingly. If no hearing is requested, the department shall select projects for funding without a public hearing.

3 Administration. Amend RSA 486-A:9 to read as follows:

486-A:9 Administration.

*I. The department shall perform the following functions related to the administration of the provisions of this chapter applicable to surface water treatment:*

[I:] (a) Assist public water systems to:

[Ia:] (1) Develop an acceptable grant application for funding under RSA 486-A.

[Ib:] (2) Conduct pre-construction conferences.

[Ic:] (b) Review the defined project and confirm that it meets the surface water treatment rule requirements of the state of New Hampshire and the EPA in accordance with the requirements of 40 [CFR Subpart H] *C.F.R., part 141, subpart H.*

[Id:] (c) Review and approve preliminary and final facilities' plans for the defined project.

[Ie:] (d) Review construction plans and specifications in accordance with RSA 485:8.

[If:] (e) Process grant applications for state approval.

[Ig:] (f) Approve construction plans and specifications and issue authorizations to advertise contracts for bids.

[Ih:] (g) Review and approve any revisions to plans and specifications prior to formal advertisement by the public water system.

[Ii:] (h) Review and approve formal addenda to plans and specifications during the formal advertising process.

[Ij:] (i) Review bid documentation to establish the low responsive and responsible bidder.

[Ik:] (j) Issue authorization to award the construction contract to the lowest responsive and responsible bidder.

[Il:] (k) Perform periodic site inspections to ensure compliance with executed construction contract documents.

[Im:] (l) Review and approve operation and maintenance manuals.

[In:] (m) Review and approve change orders during the construction period.

[Io:] (n) Review all invoices related to the project submitted to the grantee on a monthly basis.

[Ip:] (o) Conduct a final inspection of completed facilities and certify substantial completion.

[Iq:] (p) Based upon a satisfactory final project inspection, review and approve final eligible *surface water treatment* costs and authorize release of retainage.

*II. The department shall perform the following functions related to the administration of this chapter applicable to water supply land protection grants:*

(a) *Assist applicants with water supply land protection grant applications.*

(b) *Review defined projects and confirm that they meet eligibility criteria.*

(c) *Prioritize projects in accordance with the procedures established under RSA 486-A:8.*

(d) *Select projects for funding and administer grant funds.*

(e) *Review all invoices related to the project submitted to the department by the grantee.*

(f) Prepare a biennial activity report listing all land and land rights acquired under this program, the expenditure for each acquisition, and stewardship activities; copies of the report shall be forwarded to the speaker of the house of representatives, to the senate president, to the governor and council, and to the chairpersons of the senate environment and the house resources recreation, and development committees.

4 New Sections; Water Supply Land Protection Grants. Amend RSA 486 by inserting after section 10 the following new sections:

486-A:11 Rulemaking. The department shall adopt rules, pursuant to RSA 541-A, relative to providing water supply land protection grants. Such rules shall include, but not be limited to:

- I. Appraiser and surveyor standards.
- II. Eligibility determination criteria and procedures.
- III. Application requirements and procedures.
- IV. Project selection and prioritization requirements and procedures.
- V. Stewardship requirements and procedures, including annual reporting to the department by the grantee.

486-A:12 Water Supply Land Protection Grant Match. The percent match supplied by the water supply land protection grantee for water supply land protection projects shall consist of cash, expenses necessary to complete the transaction including associated legal and transaction costs, donations of source water protection lands or conservation easements assessed at fair market value and protected in perpetuity, or a combination of cash, transaction expenses, and such donations. Gifts of land and interests in land must be held by a water supply land protection grantee.

486-A:13 Public Trust.

I. The lands and interests in lands acquired by the state or other public entity with a water supply land protection grant under this chapter shall be held in public trust and used and applied for the purposes of this chapter. Notwithstanding any other provision of law relating to the disposal of publicly-owned real estate, no deviation in the uses of any land or interest in land so acquired to uses or purposes not consistent with the purposes of this chapter shall be permitted. The sale, transfer, conveyance, or release of any such land or interest in land from public trust is prohibited except when the conditions of RSA 486-A:13, II or III are met.

II. Land may be released from public trust in order to be converted to another use if:

(a) The municipality, holding title to the land or conservation easement proposed for release from the program, votes in favor of such a release by a two-thirds vote its legislative body;

(b) A public hearing is held prior to the municipal vote, after the municipality provides notice of such hearing at least 30 days prior to the hearing by notices sent to the department, notices posted in at least one public place in the municipality, certified notice to any other municipality whose water supply might be affected by the proposed release, and notices in at least 2 newspapers of general circulation in the region;

(c) All other municipalities using the water supply protected by the land or conservation easement vote to release the land by a two-thirds vote of their legislative bodies and after holding a public hearing noticed according to the procedures set forth in subparagraph (b);

(d) The land proposed for release from the program will be publicly owned after its release from the program; and

(e) The municipality proposing to release the land or conservation easement from the program repays the department the amount of the water supply land protection grant plus interest compounded annually at the rate of 10 percent, which repayment shall be used by the department to further the water supply land protection purposes of this chapter.

III. Land may be released from public trust due to termination of use if:

(a) The grantee has successfully demonstrated to the department that the source of drinking water that the land or conservation easement is intended to protect is not and will not be viable due to the inability to remediate contamination or to provide treatment which improves water quality so that it is suitable for human consumption; and

(b) The municipality voting to release the land or conservation easement from the program repays the department the amount of the water supply land protection grant plus interest compounded annually at the rate of 3.5 percent, which repayment shall be used by the department to further the water supply land protection purposes of this chapter.

486-A:14 Administrative Fines.

I. The commissioner of the department, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$500 for each offense upon any person who violates the reporting requirement of RSA 486-A:7, II(c). Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. The commissioner shall adopt rules, under RSA 541-A, relative to procedures for notice and hearing prior to the imposition of an administrative fine.

II. The proceeds of administrative fines levied pursuant to paragraph I shall be used by the department to further the water supply land protection purposes of this chapter.

5 Applicability. The department of environmental services shall not award any water supply land protection grants prior to adopting rules under RSA 486-A:11, as inserted by section 4 of this act.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a water supply land protection grant program to assist in the acquisition of land and easements for the purpose of protecting drinking water sources.

Adopted.

Report adopted and referred to Finance.

**HB 304**, relative to the confidentiality of criminal history records checks. **OUGHT TO PASS WITH AMENDMENT**

Rep. Brien L. Ward for Education: The amendment replaces the bill and streamlines the process of a criminal history check for school personnel. This bill, as amended, increases the offense that an individual, if convicted of specific violations or attempted violations, would be prohibited from being employed by or volunteering in a New Hampshire school district. The bill also designates the Division of State Police as the sole repository for criminal records required for educational hiring procedures. The State Police shall be required to notify the State Department of Education if any applicant for hire or volunteer has been convicted of any of the enumerated offenses. The school district is required to destroy within 30 days any criminal history record information that indicates a criminal record. Vote 18-0.

### MOTION TO SPECIAL ORDER

Rep. O'Hearn moved that **HB 304**, relative to the confidentiality of criminal history records checks, be made a Special Order for Thursday, January 6, 2000 in the regular calendar order.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 505-FN**, establishing a special license plate for veterans. **INEXPEDIENT TO LEGISLATE**

Rep. John W. Flanders, Sr. for Transportation: The majority of the Transportation Committee felt that the financial goals of this bill would not be met. The subcommittee met with and spoke to many veterans who were opposed to this legislation and would not participate in the program. The sponsors of this bill were notified and did not attend the subcommittee meetings. The language of the bill in regards to cost was vague. It is questionable that this bill would meet its financial goals thereby raising the issue of creating a possible financial loss for the state. Vote 12-1.

Rep. John Flanders moved Re-commit to Committee and spoke in favor.

Adopted.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 6, 2000 at 1:30 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 162**, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances.

**HB 254-L**, establishing a committee to study building inspector liability and other related matters.

**HB 312**, relative to the carrying of firearms in courthouses.

**HB 522**, relative to the public's access to sex offender registry information.

**HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students.

**SB 29-L**, relative to the proper sheltering of dogs.

**HB 273-FN-L**, establishing a school building aid oversight committee.

**HB 246**, relative to personnel transfers at the department of safety.

**HB 630-FN-L**, relative to the Skyhaven airport transfer plan.

**HB 568**, establishing a program for performance evaluations of judges.



**HB 226-L**, establishing municipality bond payment schedules and percentages.

**HB 521-L**, allowing municipalities that have adopted the municipal budget act to override the 10 percent limitation on exceeding appropriations recommended by the budget committee.

**HB 569**, relative to the tax credit for service-connected total disability.

**SB 86**, relative to enforcement of the collection and payment of county taxes by the county treasurer.

**SB 89-L**, relative to library trustees.

**HB 407**, establishing a committee to study unsolicited commercial telephone solicitation calls.

**HB 514-L**, relative to change of school assignment and transfers of public school pupils.

**HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge.

**HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.

**HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues.

**HB 618-FN-A**, establishing a voucher program for smoking cessation.

**HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor.

**SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor.

**SB 222-FN-A-L**, relative to guarantee of loans to local development organizations.

**HB 730-FN**, establishing a house committee to review methods for recording committee sessions, authorizing a request for proposals, and making an appropriation therefor.

### UNANIMOUS CONSENT

Rep. Weyler addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 3:20 p.m.

### RECESS

#### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 2

Thursday, January 6, 2000

The House assembled at 1:30 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

O God, Creator of all that is, seen and unseen, by the leading of a star You manifested love to all the peoples of the earth, lead us, by this light, as we give thanks for those people in our community who are true lights of Your love. May Your presence be with any among us who are in special need or distress. Guide the work done in this hallowed chamber today. And may our decisions work only to increase the light in which we find true community, freedom and peace. Amen.

Rep. Carol Moore led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Carlson, Patricia Cote, Curran, Dalrymple, Franks, Goulet, Hawkinson, James Johnson, Jane Kelley, Lefebvre, Lovejoy, Lynott, Merrill, Moran, Moriarty, Nichols, Perkins, Searles, Shultis and Stone, the day, illness.

Reps. Boriso, Crosby, DeChane, Eaton, David Flanders, Ham, LaMott, Lundborn, McDonough-Wallace, Nolan-Piteri, Dean Ouellette, John Pratt, Priestley, Salatiello, Solow, Tsiros, Vincent, Williams and Woodward, the day, important business.

Reps. Haettenschwiller and Tate, the day, death in the family.

### INTRODUCTION OF GUESTS

Elissa and Emily Arndt, daughters of Rep. Arndt. Dana Spang, guest of Rep. Spang. Raymond and Sandra Hill, guests of Rep. Herman. Dave MacLaughlin, guest of Rep. Withee. Fred Walsh, guest of Rep. Asplund.

### REGULAR CALENDAR

**HB 628**, relative to the relocation of the principal residence of a child. OUGHT TO PASS WITH AMENDMENT

Rep. Edward P. Moran for Children and Family Law: This bill simply requires that the issue of relocation be addressed in the final divorce decree and that the standard is in the best interest of the child. Vote 16-1.

#### Amendment (2060h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Relocation of the Principal Residence of a Minor Child. Amend RSA 458:17 by inserting after paragraph VI the following new paragraph:

VI-a. (a) In cases involving one or more minor children, the final decree of divorce shall address the subject of the possible future relocation of the principal residence of such minor children.

(b) No permanent stipulation shall be approved unless it addresses the subject of the possible future relocation of the principal residence of any minor children involved.

(c) The court may approve the relocation of the principal residence of a minor child if the court determines that such relocation would be in the best interest of such minor child or children. In making its determination, the court shall consider the following factors:

(1) The age of each child involved.

(2) The developmental maturity and needs of each child.

(3) The possible impact that relocation may have on the physical, educational, emotional, and developmental well-being of the child or children, taking into consideration the nature of the relationship of the child to each parent and any special needs that the child may have.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes criteria governing the relocation of the principal residence of a child.

Adopted.

Rep. McIntyre offered a floor amendment.

#### Floor Amendment (3013h)

Amend RSA 458:17, VI-a as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) In cases where there has been a finding under RSA 173-B in which a court has issued an order for temporary relief pursuant to RSA 173-B:4, or an order for permanent relief pursuant to RSA 173-B:5, no relocation information relative to the principal residence of a minor child shall be disclosed in any permanent stipulation or final decree of divorce.

Rep. McIntyre spoke in favor.

Rep. Bickford spoke against and yielded to questions.

Rep. Dowling spoke against.

The floor amendment failed.

Report adopted and ordered to third reading.

### REMARKS

Gary Bauer, Republican candidate for President, addressed the House.

### REGULAR CALENDAR (CONT'D.)

**HB 693-FN**, limiting access to certain business records. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: This is a bill the committee wants to keep on the table to help prevent harassment from out-of-state tax departments on New Hampshire businesses. New legislation will be introduced next session to create a regional compact to take care of the problem.

Vote 16-1.

Adopted.

**SB 52**, requiring insurance coverage for infertility treatments. REFER FOR INTERIM STUDY

Rep. Martha Fuller Clark for Commerce: The issue of how to resolve lack of access for New Hampshire residents who need coverage for the treatment of infertility and at the same time control rising premium costs for health insurance continues to confound the committee. Finding an equitable solution necessitates returning Senate Bill 52 to the House Commerce Committee. Vote 16-1.

Adopted.

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes. OUGHT TO PASS

Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: The committee heard considerable testimony in favor of removing the prescription requirement for hypodermic syringes. Of greatest concern presently in many states, is the disposal of used syringes/needles. When a consumer purchases a needle today, there is no literature accompanying the product speaking to disposal. This legislation would provide that information. In states where the prescription requirement has been lifted, transmission rates of hepatitis and the HIV virus has gone down, and the disposal problem has actually lessened. In fact, needle stick incidents to police officers dropped in Connecticut after Connecticut removed their prescription requirement. A criticism of this type of legislation in the past has been that "it sends the wrong message – that drug use is okay." The committee feels that the message is actually one of health, saving lives, and increasing the incidence of proper disposal of needles and syringes. Health professionals who agree include the American Medical Association, the American Pharmaceutical Association, the Association of State and Territorial Health Officials, the National Alliance of State and Territorial AIDS Directors, the National Association of Boards of Pharmacy, the New Hampshire Medical Society, the New Hampshire Nurses' Association, the New Hampshire Board of Pharmacy, and the New Hampshire Department of Health and Human Services. Vote 11-2.

Adopted and ordered to third reading.

### MOTION TO SPECIAL ORDER

Rep. Welch moved that **SB 143-FN**, relative to penalties for incest be made a Special Order for today at 2:30 p.m.

Adopted.



## SPECIAL ORDER

**HB 304**, relative to the confidentiality of criminal history records checks. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: The amendment replaces the bill and streamlines the process of a criminal history check for school personnel. This bill, as amended, increases the offense that an individual, if convicted of specific violations or attempted violations, would be prohibited from being employed by or volunteering in a New Hampshire school district. The bill also designates the Division of State Police as the sole repository for criminal records required for educational hiring procedures. The State Police shall be required to notify the State Department of Education if any applicant for hire or volunteer has been convicted of any of the enumerated offenses. The school district is required to destroy within 30 days any criminal history record information that indicates a criminal record. Vote 18-0.

**Amendment (2190h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to school employee and volunteer background investigations.

Amend the bill by replacing all after the enacting clause with the following:

1 Education; School Boards, Transportation and Instruction of Pupils; School Employee and Volunteer Background Investigation; Criminal History Records Information. RSA 189:13-a, II-III is repealed and reenacted to read as follows:

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the school administrative unit, school district, or charter school. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or charter school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the criminal records be released to the school administrative unit, school district, or charter school. The school administrative unit, school district, or charter school shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, or charter school shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the school administrative unit, school district, or charter school shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such convictions. The school administrative unit, school district, or charter school shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

2 Education; School Boards, Transportation and Instruction of Pupils; School Employee and Volunteer Background Investigation; Crimes Changed. Amend RSA 189:13-a, V to read as follows:

V. Any person who has been convicted of [~~murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping~~] *any violation or attempted violation of RSA 630:1, 630:1-a, 630:1-b, 630:2, 632-A:2, 632-A:3, 632-A:4 633:1, 639:2, 639:3,*

**645:1, 1(b), 645:2, 649-A:3, 649-B:3, or 649-B:4, or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene**, in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. By decision of the appropriate governing body, a school administrative unit, school district, or charter school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill modifies the crimes that prevent a person from being hired by a school administrative unit, school district, or charter school. This bill also modifies the procedures for criminal history records checks by school administrative units, school districts, and charter schools.

Adopted.

Rep. Ward spoke in favor.

Report adopted and ordered to third reading.

#### REGULAR CALENDAR (CONT'D.)

**HB 466**, establishing a commission to study education options in school districts not maintaining a high school. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce L. Dearborn for Education: The committee agreed that the work of an oversight committee to review pupil placements and related issues was not the immediate solution to a possible problem in some of our school districts. The Education Committee requested that these issues be studied by the State Board of Education with recommendations to be made to the full committee. More work is needed before legislation can be introduced. Also, we recognize that legislation may require policy changes. Therefore the committee will ask that the bill be recommitted to adopt an amendment to address our needs and conduct needed hearings. Vote 14-0.

Adopted.

**HB 310**, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth R. Marshall for Environment and Agriculture: The committee voted to amend RSA 427 which is the section dealing with inspection of slaughterhouses. Inspection is currently being conducted by the Food Safety and Inspectors Services Division of USDA. RSA 427 mandates that the NH Department of Agriculture, Markets and Food conduct the inspections. The amendment states that the chapter will not apply unless or until the Feds withdraw from inspections, thereby maintaining the chapter for possible future use. The poultry section, RSA 428, is amended because of its close relationship to RSA 427 and the current provisions and authority of NH Department of Agriculture, Markets and Food is maintained. Vote 16-2.

#### Amendment (2096h)

Amend the title of the bill by replacing it with the following:

**AN ACT** providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Livestock and Meat Inspection; Applicability of Meat Inspection Subdivision. Amend RSA 427 by inserting after section 1 the following new section:

427:1-a Applicability. The provisions of this subdivision shall not apply or be in effect unless and until such time as the Food Safety and Inspection Service Division of the United States Department of Agriculture withdraws its meat inspection program from the state.

2 Poultry Inspection; Applicability of Other Provisions. Amend RSA 428:1 to read as follows:

428:1 Applicability of Other Provisions. The procedure for poultry inspection, as well as the rights and duties of those parties involved in such inspection, shall be substantially that prescribed by RSA 427, **with the exception of RSA 427:1-a**, provided that the applicability of said chapter shall be subject to any contrary provision contained in this chapter.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill provides that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

Adopted.

Report adopted and ordered to third reading.

**HB 335**, prohibiting the land application of sludge in reclamation areas. INEXPEDIENT TO LEGISLATE

Rep. William R. Phinney for Environment and Agriculture: After frank and earnest discussion, it was determined that the complexities of the issue, the potential ramifications of a total ban, and the need for more information precluded support for passage at this time. Vote 10-8.

Rep. Musler moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: This bill was re-referred to the Finance Committee. Members in several subcommittee meetings listened to suggestions for modifying the tax such as: increased exemptions, exemptions for those over 65, exemptions for those on limited income. Still the Department of Revenue Administration suggests that state revenues would decline from \$8.5 million to \$10.5 million whichever exemption is included. The truth is revenues are increasing from this tax due in part to increased compliance, increasing value of securities and improved income earnings. Percentages of filers over 65, 42% out of 64,870 tax returns. Percent of revenue from filers over 65: 45.8%. A political promise of revenue neutrality was made for a point in time, markets are dynamic and cannot be frozen. The Finance Committee after due deliberation recommends this legislation be turned over to the Tax Equity and Efficiency Commission as it examines the state's revenue structure. Vote 21-1.

Reps. Jacobson and Young spoke against and yielded to questions.

Rep. Vaughn spoke in favor.

Rep. Alukonis spoke in favor and yielded to questions.

Rep. Jacobson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 118 NAYS 222

## YEAS 118

## BELKNAP

Boyce, Robert  
Turner, Robert

Czech, Stanley  
Wendelboe, Francine

Holbrook, Robert

Thomas, John

## CARROLL

Bradley, Jeb  
Patten, Betsey

Chandler, Gene

Lyman, L Randy

Mock, Henry

## CHESHIRE

Hunt, John  
Richardson, Barbara

Lerandeau, Alfred  
Roberts, William

Lynch, Margaret  
Royce, H Charles

Mitchell, McKim  
Smith, Edwin

## COOS

Gallus, John

Guay, Lawrence

Merrill, Gerald

Tholl, John Jr

## GRAFTON

Almy, Susan  
Hinman, Harry

Dudley, Terri  
Mirski, Paul

Gilman, G Michael  
Nordgren, Sharon

Harmon, Hobart  
Picconi, Al

## HILLSBOROUGH

Ahern, Richard  
Calawa, Leon Jr

Alukonis, David  
Chabot, Robert

Belvin, William  
Clegg, Robert Jr

Burkush, James  
Cote, David



Daniels, Gary  
Fields, Dennis  
Ginsburg, Ruth  
Herman, Keith  
Johnson, Lionel  
Lozeau, Donnalee  
O'Hearn, Jane  
Thulander, O Alan

Durham, Susan  
Ford, Nancy  
Goley, Jeffrey  
Holley, Sylvia  
Kurk, Neal  
McCarty, Winston  
Pappas, Marc  
White, John

Dwyer, Paul Sr  
Foster, Linda  
Gorman, Mary  
Hunter, Bruce  
L'Heureux, Robert  
McGough, Tim  
Reeves, Sandra

Emerton, Lawrence  
Gagnon, Eugene  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Mercer, Robert  
Sargent, Maxwell

### MERRIMACK

Anderson, Eric  
Leber, William  
Whalley, Michael

Asplund, Bronwyn  
Moore, Carol

Daneault, Gabriel  
Seldin, Gloria

Langer, Ray  
Wallin, Jean

### ROCKINGHAM

Arndt, Janet  
Christie, Andrew Jr  
Dowling, Patricia  
Griffin, Mary  
Katsakiores, George  
Moore, Benjamin  
Nowe, Ronald  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Vivian  
Dunham, Vivian  
Henderson, Warren  
Kelley, William  
Morse, Charles  
Packard, Sherman

Belanger, Ronald  
Cooney, Richard  
Flanagan, Natalie  
Hutchinson, Rebecca  
Major, Norman  
Norelli, Terie  
Reardon, Neil

Blanchard, MaryAnn  
Cox, Russell  
Flanders, John Sr  
Johnson, Robert  
Mikowski, Walter  
Nowe, Mary Lou  
Vaughn, Charles

### STRAFFORD

Cossette, Larry  
Knowles, William  
Torr, Franklin

Dunlap, Patricia  
Musler, George  
Vachon, Dennis

Estabrook, Iris  
Smith, Marjorie

Keans, Sandra  
Snyder, Clair

### SULLIVAN

Burling, Peter

### NAYS 222

### BELKNAP

Bartlett, Gordon  
Rice, Thomas

Lawton, David  
Rosen, Ralph

Millham, Alida  
Wood, Jane

Pilliod, James

### CARROLL

Babson, David Jr  
Philbrick, Donald

Dickinson, Howard  
Sullivan, P Judith

Howard, Godfrey  
Torresen, Gary

Kenney, Joseph

### CHESHIRE

Avery, Stephen  
Manning, Joseph  
Riley, William  
Zerba, Roger

Batchelder, Robert  
McGuirk, Paul  
Robertson, Timothy

DePecol, Benjamin  
Meader, David  
Rose, William

Doucette, Richard  
Pratt, Irene  
Russell, Ronald

### COOS

Davis, Perley  
Mears, Edgar

Glines, Sara  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Landers, Dana

### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
MacNeil, Allen  
Ward, Brien

Alger, John  
Densmore, Jessica  
Marshall, Gene  
Weber, Phil

Brothers, Richard  
Hall, David  
Phinney, William

Cobb, John  
Johnson, Gary  
Scanlan, David

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Christiansen, Lars
Clemons, Jane	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Dalianis, Griffin	Dawe, Eileen	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa	Dyer, Merton
Fenton, James	Fletcher, Richard	Flora, Kathleen	Garrish, Linda
Hall, Betty	Herman, Richard	Jean, Claudette	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lessard, Rudy	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary	McCarthy, William	McColgan, Philip Jr	McDonald, James Sr
McRae, Karen	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Milligan, Robert	Mosher, William	Murphy, Robert	O'Connell, Timothy
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Rowe, Robert
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
Wall, Nancy	White, Donald	Withee, Dennis	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn	Gile, Mary
Hager, Elizabeth	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard
Larrabee, David Sr	Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Rosenfield, Jay
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Bridle, Russell	Case, Margaret
Clark, Martha	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Fesh, Robert	Francœur, Sheila	Gibbons, Paul	Gleason, John
Hamel, Albert	Hutchinson, Karen	Kane, Cecelia	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
McKinney, Betsy	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Rubin, George	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Splaine, James	Stitch, C Donald	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Weatherspoon, Jackie	Welch, David
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Lent, Donald	McKinley, Robert	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Jones, Constance	Kibbey, David	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

Young, David  
and the report failed.

Rep. Jacobson moved Ought to Pass with Amendment.

**MOTION TO SPECIAL ORDER**

Rep. Jacobson moved that **HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax, be made a Special Order for Thursday, January 13, 2000 in the regular calendar order. Adopted.

**SPECIAL ORDER**

**SB 143-FN**, relative to penalties for incest. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill removes the statute of limitations for incest and increases the penalties for incest. The penalty is no more than 20 years or less than 10 years, except that any person under 18 years shall not be subject to the minimum. The previous penalty was 3-1/2 to 7 years. The reasons for removing the statute of limitations are (1) the age of people who are able to report incest are usually in the middle 40's. They are in many cases not emotionally or psychologically able to do so earlier; (2) the average pedophile has about 100 victims – the incestuous behavior can not be stopped if charges can't be brought against them; (3) the act of prosecution not only acknowledges a crime and protects society, but can be an integral part of the healing process for a survivor; (4) lack of prosecution can allow a perpetrator to continue the cycle of violence; (5) because victims of incest often suffer low self-esteem, drug abuse and alcohol abuse, and the inability to report, their children often become victims. All this and much more testimony convinced us to make a rare exception to our statute of limitations. Vote 13-3.

**Amendment (2101h)**

Amend the bill by replacing section 1 with the following:

I No Statute of Limitations for Prosecuting Acts of Incest Involving Victims Under the Age of 16. Amend RSA 639:2, II to read as follows:

II. In cases of alleged incest where the victim is under the age of ~~18, the statute of limitations shall not begin to run until the victim reaches the age of 18~~ **16 when the alleged offense occurred, there shall be no statute of limitations, notwithstanding RSA 625:8, III(a).**

**AMENDED ANALYSIS**

This bill eliminates the statute of limitations when an incest victim is under age 16 at the time of the offense alleged, and establishes a maximum and minimum sentence for incest when the victim is under age 16. Defendants under the age of 18 will not be subject to any minimum sentence of imprisonment.

Reps. Welch and Flora spoke against.

Reps. Robertson, Rodd and Rabideau spoke in favor.

Reps. Tholl and Lozeau spoke against and yielded to questions.

Rep. Rodd request a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 145 NAYS 191****YEAS 145****BELKNAP**

Lawton, David  
Wood, Jane

Milham, Alida

Pilliod, James

Rosen, Ralph

**CARROLL**

Bradley, Jeb

**CHESHIRE**

Batchelder, Robert  
Manning, Joseph  
Pratt, Irene  
Rose, William

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara  
Russell, Ronald

Lerandeau, Alfred  
Meader, David  
Riley, William  
Zerba, Roger

Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Glimes, Sara

Landers, Dana

Mears, Edgar

Rodrigue, Robert



**GRAFTON**

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Hinman, Harry	Marshall, Gene	Nordgren, Sharon	Phinney, William

**HILLSBOROUGH**

Ahern, Richard	Baroody, Benjamin	Batula, Peter	Beaupre, Roland
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Clemons, Jane
Côté, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul Sr
Dyer, Merton	Foster, Linda	Garrish, Linda	Ginsburg, Ruth
Gorman, Mary	Hall, Betty	Herman, Richard	Jean, Claudette
Keye, Harvey	Konys, Christine	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarty, Winston
McColgan, Philip Jr	Melcher, Harold	Mendenhall, Leslie	Peterson, Andrew
Reidy, Frank	Sarette, John	White, John	

**MERRIMACK**

Bouchard, Candace	Chase, George	Daneault, Gabriel	Davis, Francis
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Hoadley, Elizabeth	Jacobson, Alf	Larrabee, David Sr	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Christie, Andrew Jr	Clark, Martha	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Kobel, Rudolph	Langley, Jane
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Marshall	Rabideau, Marie	Ruffner, Walter
Sabella, Norma	Vaughn, Charles	Weatherspoon, Jackie	

**STRAFFORD**

Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Johnson, Nancy
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Jones, Constance	Leone, Richard	McIntyre, Sara	Phinizy, James
Tuthill, John	Wiggins, Celestine	Young, David	

**NAYS 191****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Rice, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Avery, Stephen	Doucette, Richard	Hunt, John	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Tholl, John Jr

Guay, Lawrence

Horton, Lynn

**GRAFTON**

Alger, John  
Hall, David  
Mirski, Paul  
Weber, Phil

Cobb, John  
Harmon, Hobart  
Picconi, Al

Dudley, Terri  
Johnson, Gary  
Scanlan, David

Gilman, G Michael  
MacNeil, Allen  
Ward, Brien

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon Jr  
Dalianis, Griffin  
Desrosiers, William  
Fields, Dennis  
Gagnon, Eugene  
Holley, Sylvia  
Kurk, Neal  
Lozeau, Donnalee  
McDonald, James Sr  
Messier, Irene  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O Alan  
White, Donald

Andrews, Frederick  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Durham, Susan  
Fletcher, Richard  
Goley, Jeffrey  
Hunter, Bruce  
LaPorte, George  
MacGillivray, Jeffrey  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland  
Withee, Dennis

Arnold, Thomas Jr  
Bruno, Pierre  
Christiansen, Lars  
Dawe, Eileen  
Emerton, Lawrence  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Martel, Andre  
McRae, Karen  
Mosher, William  
Pappas, Marc  
Sargent, Maxwell  
Vaillancourt, Steve

Arthur, Rose  
Burkush, James  
Clegg, Robert Jr  
Desmarais, Vivian  
Fenton, James  
Ford, Nancy  
Herman, Keith  
Johnson, Lionel  
Lessard, Rudy  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Pepino, Leo  
Simon, Anthony  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Lockwood, Priscilla  
Whalley, Michael

Asplund, Bronwyn  
Langer, Ray  
Marple, Richard  
Whittemore, James

Brewster, Richard  
Lavoie, Gerard  
Poulin, Dave

Feuerstein, Martin  
Leber, William  
Soltani, Tony

**ROCKINGHAM**

Abbott, Dennis  
Bridle, Russell  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Reardon, Neil  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

Arndt, Janet  
Case, Margaret  
Dearborn, Bruce  
Dunham, Vivian  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Rubin, George  
Splaine, James  
Verani, Giovanni  
Zolla, William

Beaulieu, Jon  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Robert  
Gibbons, Paul  
Johnson, Robert  
Kelley, William  
McKinney, Betsy  
Nowe, Mary Lou  
Putnam, Ed II  
Sapareto, Frank  
Stritch, C Donald  
Weare, Everett

Belanger, Ronald  
Cooney, Richard  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Kane, Cecelia  
Langone, John  
Mikowski, Walter  
Nowe, Ronald  
Raynowska, Bernard  
Schanda, Frank  
Tufts, J Arthur  
Welch, David

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Knowles, William  
Vachon, Dennis

Bickford, David  
Heon, Richard  
McKinley, Robert  
Woods, Phyllis

Cossette, Larry  
Kaen, Naida  
Musler, George

Domingo, Baldwin  
Keans, Sandra  
Spear, Barbara

## SULLIVAN

Flint, Gordon Sr

Kibbey, David

Robb-Theroux, Amy

and the amendment failed.

Rep. Welch offered a floor amendment.

## Floor Amendment (3020h)

Amend the bill by replacing all after the enacting clause with the following:

1 Statute of Limitations. Amend RSA 625:8, III(d) to read as follows:

(d) For any offense under RSA 632-A *or for an offense under RSA 639:2*, where the victim was under 18 years of age when the alleged offense occurred, within 22 years of the victim's eighteenth birthday.

2 Statute of Limitations. Amend RSA 639:2, II to read as follows:

II. In cases of alleged incest where the victim is under the age of 18 *when the alleged offense occurred*, the statute of limitations shall ~~[not begin to run until the victim reaches the age of 18]~~ *run pursuant to RSA 625:8, III(d)*.

3 New Paragraph; Maximum and Minimum Sentences for Incest Involving Victims Under the Age of 16. Amend RSA 639:2 by inserting after paragraph II the following new paragraph:

III. Notwithstanding the provisions of paragraph I, a person convicted of incest where the victim is under the age of 18 shall be sentenced to a maximum sentence which is not to exceed 20 years and a minimum which is not to exceed ½ the maximum. Notwithstanding the provision of this paragraph, no person under 18 years of age shall be subject to any minimum sentence of imprisonment for a conviction of incest under this section.

4 Effective Date. This act shall take effect January 1, 2001.

## AMENDED ANALYSIS

This bill changes the statute of limitations for prosecuting acts of incest when the victim is under age 18, and establishes a maximum and minimum sentence for incest when the victim is under age 18. Defendants under the age of 18 will not be subject to any minimum sentence of imprisonment. Rep. Welch spoke in favor.

Rep. Belanger requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

## YEAS 323 NAYS 12

## YEAS 323

## BELKNAP

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph

Boyce, Robert  
Millham, Alida  
Thomas, John

Czech, Stanley  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

## CARROLL

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

## CHESHIRE

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Richardson, Barbara  
Rose, William  
Zerba, Roger

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Riley, William  
Royce, H Charles

DePecol, Benjamin  
Lynch, Margaret  
Mitchell, McKim  
Roberts, William  
Russell, Ronald

Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy  
Smith, Edwin

## COOS

Davis, Perley  
Horton, Lynn  
Pratt, Leighton

Gallus, John  
Landers, Dana  
Rodrigue, Robert

Glines, Sara  
Mears, Edgar  
Tholl, John Jr

Guay, Lawrence  
Merrill, Gerald



**GRAFTON**

Akins, Ralph  
 Copenhaver, Marion  
 Hall, David  
 MacNeil, Allen  
 Phinney, William  
 Weber, Phil

Alger, John  
 Densmore, Jessica  
 Harmon, Hobart  
 Marshall, Gene  
 Picconi, Al

Almy, Susan  
 Dudley, Terri  
 Hinman, Harry  
 Mirski, Paul  
 Scanlan, David

Cobb, John  
 Gilman, G Michael  
 Johnson, Gary  
 Nordgren, Sharon  
 Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
 Arthur, Rose  
 Belvin, William  
 Bruno, Pierre  
 Chabot, Robert  
 Coughlin, Pamela  
 Daniels, Gary  
 Dokmo, Cynthia  
 Dyer, Merton  
 Fletcher, Richard  
 Gagnon, Eugene  
 Hansen, Herbert  
 Hunter, Bruce  
 Keye, Harvey  
 LaRose, Richard  
 Lozeau, Donnalee  
 Martin, Mary  
 McDonald, James Sr  
 Mendenhall, Leslie  
 Mosher, William  
 Pappas, Marc  
 Reidy, Frank  
 Simon, Anthony  
 Wall, Nancy

Alukonis, David  
 Baroody, Benjamin  
 Bergeron, Lucien  
 Buckley, Raymond  
 Clegg, Robert Jr  
 Craig, James  
 Dawe, Eileen  
 Drabinowicz, A Theresa  
 Emerton, Lawrence  
 Flora, Kathleen  
 Garrish, Linda  
 Herman, Keith  
 Jean, Claudette  
 Konys, Christine  
 Lasky, Bette  
 Lynde, Harold  
 McCarthy, William  
 McGough, Tim  
 Mercer, Robert  
 Murphy, Robert  
 Pepino, Leo  
 Rowe, Robert  
 Thulander, O Alan  
 White, Donald

Andrews, Frederick  
 Batula, Peter  
 Bergin, Peter  
 Burkush, James  
 Cote, David  
 Daigle, Robert  
 Desmarais, Vivian  
 Durham, Susan  
 Fenton, James  
 Ford, Nancy  
 Ginsburg, Ruth  
 Herman, Richard  
 Jean, Loren  
 Kurk, Neal  
 Leishman, Peter  
 MacGillivray, Jeffrey  
 McCarty, Winston  
 McRae, Karen  
 Messier, Irene  
 O'Connell, Timothy  
 Peterson, Andrew  
 Sarette, John  
 Turgeon, Roland  
 White, John

Arnold, Thomas Jr  
 Beaupre, Roland  
 Brundige, Robert  
 Calawa, Leon Jr  
 Cote, Peter  
 Dalianis, Griffin  
 Desrosiers, William  
 Dwyer, Paul Sr  
 Fields, Dennis  
 Foster, Linda  
 Goley, Jeffrey  
 Holley, Sylvia  
 Johnson, Lionel  
 LaPorte, George  
 Leonard, Peter  
 Martel, Andre  
 McColgan, Philip Jr  
 Melcher, Harold  
 Milligan, Robert  
 O'Hearn, Jane  
 Reeves, Sandra  
 Sargent, Maxwell  
 Vaillancourt, Steve  
 Withee, Dennis

**MERRIMACK**

Anderson, Eric  
 Chase, George  
 Fraser, Marilyn  
 Jacobson, Alf  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Poulin, Dave  
 Soltani, Tony  
 Whittemore, James

Asplund, Bronwyn  
 Daneault, Gabriel  
 Gile, Mary  
 Kennedy, Richard  
 Leber, William  
 Maxfield, Roy  
 Reardon, Tara  
 Virtue, Carolyn  
 Yeaton, Charles

Bouchard, Candace  
 Davis, Francis  
 Hager, Elizabeth  
 Langer, Ray  
 Lockwood, Priscilla  
 Owen, Derek  
 Rodd, Beth  
 Wallin, Jean

Brewster, Richard  
 Feuerstein, Martin  
 Hoadley, Elizabeth  
 Larrabee, David Sr  
 Marple, Richard  
 Potter, Frances  
 Seldin, Gloria  
 Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
 Blanchard, MaryAnn  
 Clark, Martha  
 Dearborn, Bruce  
 Dunham, Vivian  
 Francoeur, Sheila  
 Hamel, Albert  
 Kane, Cecelia  
 Kobel, Rudolph  
 Major, Norman

Arndt, Janet  
 Bridle, Russell  
 Clark, Vivian  
 DiFruscia, Anthony  
 Fesh, Robert  
 Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy

Beaulieu, Jon  
 Case, Margaret  
 Cooney, Richard  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langone, John  
 Mikowski, Walter

Belanger, Ronald  
 Christie, Andrew Jr  
 Cox, Russell  
 Downing, Michael  
 Flanders, John Sr  
 Griffin, Mary  
 Johnson, Robert  
 Kelley, William  
 Letourneau, Robert  
 Moore, Benjamin

Morse, Charles  
 Noyes, Richard  
 Pantelakos, Laura  
 Rabideau, Marie  
 Sabella, Norma  
 Splaine, James  
 Vaughn, Charles  
 Welch, David

Norelli, Terie  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Raynowska, Bernard  
 Sapareto, Frank  
 Stritch, C Donald  
 Verani, Giovanni  
 Weyler, Kenneth

Nowe, Mary Lou  
 O'Neil, Michael  
 Putnam, Ed II  
 Rubin, George  
 Schanda, Frank  
 Tufts, J Arthur  
 Weare, Everett  
 Zolla, William

Nowe, Ronald  
 Packard, Sherman  
 Quandt, Marshall  
 Ruffner, Walter  
 Shelton, Richard  
 Varrell, Thomas  
 Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Dunlap, Patricia  
 Kaen, Naida  
 McKinley, Robert  
 Rogers, Rose Marie  
 Spear, Barbara  
 Vachon, Dennis

Brennan, William  
 Cossette, Larry  
 Estabrook, Iris  
 Keans, Sandra  
 Musler, George  
 Rollo, Michael  
 Taylor, Kathleen  
 Wall, Janet

Brown, George  
 DeChane, Marlene  
 Gilmore, Gary  
 Knowles, William  
 Pelletier, Arthur  
 Smith, Marjorie  
 Torr, Franklin  
 Woods, Phyllis

Brown, Julie  
 Domingo, Baldwin  
 Heon, Richard  
 Lent, Donald  
 Pelletier, Marsha  
 Spang, Judith  
 Twardus, Joseph

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 McIntyre, Sara  
 Wiggins, Celestine

Burling, Peter  
 Jones, Constance  
 Phinizy, James  
 Young, David

Cloutier, John  
 Kibbey, David  
 Robb-Theroux, Amy

Donovan, Thomas Jr  
 Leone, Richard  
 Tuthill, John

### NAYS 12

### BELKNAP

None

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

None

### HILLSBOROUGH

Christiansen, Lars  
 Lessard, Rudy

Clemons, Jane

Gorman, Mary

Hall, Betty

### MERRIMACK

Fortnam, Janet

Rosenfield, Jay

St Cyr, Gerard

### ROCKINGHAM

Hutchinson, Karen

Reardon, Neil

### STRAFFORD

Bickford, David

Johnson, Nancy

### SULLIVAN

None

and the floor amendment was adopted.  
 Report adopted and ordered to third reading.

**SB 134-FN**, relative to medicaid reimbursement rates and dental care. **INEXPEDIENT TO LEGISLATE**

Rep. Robert K. Boyce for Finance: The intent of this bill was to increase the percentage of medicaid-assisted children receiving dental care. According to testimony we heard, it was not clear increasing the reimbursement rates was the answer. Vote 16-8.

Adopted.

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert K. Boyce for Finance: This bill would have perpetually dedicated up to 5% of the gross profits of the Liquor Commission to an undefined set of programs to treat and prevent alcoholism. This is the cart before the horse. If indeed there are worthy programs that should be funded, then a bill establishing them and providing funding should be proposed. This bill would reduce general funds for programs yet to be devised by \$2 million in this biennium and \$6.8 million in the next biennium. Vote 16-8.

Rep. Kurk spoke against and yielded to questions.

Rep. Vaillancourt moved Re-commit to Committee and spoke in favor.

Reps. Kurk, Leber and Avery spoke against.

On a division vote, 60 members having voted in the affirmative and 259 against, the motion failed.

Rep. Kurk spoke against the report.

The report failed.

Rep. Kurk moved Ought to Pass with Amendment and offered a floor amendment.

### Floor Amendment (3021h)

Amend RSA 176:16, II as inserted by section 2 of the bill by replacing it with the following:

***II. Fifty percent of the amount by which the current year gross profit exceed fiscal year 2001 actual gross profit, but not more than 5 percent of the current year gross profits derived by the commission from the sale of liquor and other revenues, shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1.***

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 2001.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Burling spoke in favor.

Rep. Harmon requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

### YEAS 206 NAYS 111

#### YEAS 206

#### BELKNAP

Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Millham, Alida
Pilliod, James	Thomas, John	Wendelboe, Francine	Wood, Jane

#### CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
Patten, Betsey			

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Roberts, William	Robertson, Timothy	Royce, H Charles	Smith, Edwin
Zerba, Roger			

#### COOS

Davis, Perley	Guay, Lawrence	Landers, Dana	Mears, Edgar
Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr	



**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Hinman, Harry  
Nordgren, Sharon

Alger, John  
Dudley, Terri  
MacNeil, Allen  
Phinney, William

Almy, Susan  
Hall, David  
Marshall, Gene  
Scanlan, David

Copenhaver, Marion  
Harmon, Hobart  
Mirski, Paul  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Chabot, Robert  
Coughlin, Pamela  
Dokmo, Cynthia  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Herman, Richard  
Kony, Christine  
Leonard, Peter  
Martel, Andre  
McGough, Tim  
Peterson, Andrew  
Simon, Anthony  
Wither, Dennis

Baroody, Benjamin  
Brundige, Robert  
Clemons, Jane  
Craig, James  
Drabinowicz, A Theresa  
Emerton, Lawrence  
Foster, Linda  
Goley, Jeffrey  
Jean, Claudette  
Kurk, Neal  
Lozeau, Donnalee  
Martin, Mary  
Mendenhall, Leslie  
Reidy, Frank  
Thulander, O Alan

Batula, Peter  
Buckley, Raymond  
Cote, David  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Gorman, Mary  
Johnson, Lionel  
LaRose, Richard  
Lynde, Harold  
McCarty, Winston  
Murphy, Robert  
Sarette, John  
Turgeon, Roland

Bergeron, Lucien  
Calawa, Leon Jr  
Cote, Peter  
Desrosiers, William  
Dwyer, Paul Sr  
Flora, Kathleen  
Garrish, Linda  
Herman, Keith  
Keye, Harvey  
Lasky, Bette  
MacGillivray, Jeffrey  
McColgan, Philip Jr  
O'Hearn, Jane  
Sargent, Maxwell  
White, John

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Jacobson, Alf  
Marshall, Kenneth  
Seldin, Gloria

Bouchard, Candace  
Fortnam, Janet  
Larrabee, David Sr  
Maxfield, Roy  
Virtue, Carolyn

Chase, George  
Gile, Mary  
Leber, William  
Potter, Frances  
Whalley, Michael

Davis, Francis  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Rodd, Beth

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Flanagan, Natalie  
Griffin, Mary  
Kane, Cecelia  
Langley, Jane  
O'Neil, Michael  
Schanda, Frank  
Welch, David

Beaulieu, Jon  
Cooney, Richard  
Flanders, John Sr  
Henderson, Warren  
Katsakiores, George  
Norelli, Terie  
Pantelakos, Laura  
Tufts, J Arthur  
Weyler, Kenneth

Blanchard, MaryAnn  
Cox, Russell  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Nowe, Mary Lou  
Pitts, Jacqueline  
Vaughn, Charles

Case, Margaret  
Downing, Michael  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Nowe, Ronald  
Ruffner, Walter  
Weare, Everett

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Bickford, David  
Cossette, Larry  
Gilmore, Gary  
Knowles, William  
Pelletier, Marsha  
Spang, Judith  
Vachon, Dennis

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Spear, Barbara  
Wall, Janet

Brown, George  
Dunlap, Patricia  
Johnson, Nancy  
McKinley, Robert  
Rollo, Michael  
Taylor, Kathleen

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas Jr  
McIntyre, Sara  
Young, David

**NAYS 111****BELKNAP**

Boyce, Robert	Lawton, David	Rice, Thomas	Rosen, Ralph
Turner, Robert			

**CARROLL**

Babson, David Jr	Howard, Godfrey	Lyman, L Randy	Mock, Henry
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Hunt, John	Rose, William	Russell, Ronald
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**COOS**

Gallus, John	Horton, Lynn	Merrill, Gerald
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**GRAFTON**

Cobb, John	Gilman, G Michael	Johnson, Gary	Picconi, Al
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**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Beaupre, Roland	Belvin, William	Bruno, Pierre	Christiansen, Lars
Clegg, Robert Jr	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Fenton, James	Fletcher, Richard	Hall, Betty
Hansen, Herbert	Holley, Sylvia	Hunter, Bruce	Jean, Loren
LaPorte, George	Leishman, Peter	McCarthy, William	McDonald, James Sr
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Mosher, William	O'Connell, Timothy	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Rowe, Robert	Vaillancourt, Steve
Wall, Nancy	White, Donald		

**MERRIMACK**

Asplund, Bronwyn	Brewster, Richard	Daneault, Gabriel	Kennedy, Richard
Langer, Ray	Lavoie, Gerard	Marple, Richard	Owen, Derek
Poulin, Dave	Soltani, Tony	St Cyr, Gerard	Wallin, Jean
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Christie, Andrew Jr	Clark, Vivian
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Francoeur, Sheila	Hamel, Albert	Hutchinson, Karen
Kelley, William	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Moore, Benjamin	Morse, Charles
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Sapareto, Frank	Shelton, Richard	Stritch, C Donald
Varrell, Thomas	Verani, Giovanni	Zolla, William	

**STRAFFORD**

Callaghan, Frank	Domingo, Baldwin	Keans, Sandra	Woods, Phyllis
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**SULLIVAN**

Kibbey, David                      Tuthill, John  
and the floor amendment was adopted.

Report adopted and ordered to third reading.

**SB 205-FN**, expanding medical coverage to pay dental assistance for adults on medicaid. **INEXPEDIENT TO LEGISLATE**

Rep. Robert K. Boyce for Finance: This bill would expand dental services provided to adults on medicaid. In light of other state obligations, the committee believes this is not the time to add to

entitlements. The cost to the general fund would have been \$242,000 in FY 00 and \$1.3 million in FY 01. In addition, this would have added to county medicaid costs. Vote 17-7.  
Adopted.

**HB 53**, establishing a process for reviewing judges. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Henry P. Mock for Judiciary: This bill originally proposed a "process for reviewing judges," a subject matter thoroughly studied and ultimately addressed in HB 568. During the evaluation review consideration and as a part of the broad judicial reform study, the evaluation and selection of marital masters was an ever-present subject; a subject thoroughly discussed at public hearings. Consequently, a decision was made to attach this subject matter to HB 53, with the knowledge and permission of the bill's sponsors. The committee felt that because of the tremendous impact which marital masters can have on the family, including the children thereof, that their selection should be equally scrutinized and subject to the same procedures as the selection of judges. This issue passed in the 1999 session as a component of the Family Court bill (HB 707-FN) and at this time is in limbo in the state Senate. Vote 14-1.

### **Amendment (2121h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to qualifications and appointments of marital masters.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Qualifications and Appointments of Marital Masters. Amend RSA 491 by inserting after section 25 the following new section:

491:26 Marital Masters.

I. Marital masters selected to serve in the marital master program, pursuant to New Hampshire superior court rule, shall possess the following qualifications:

(a) Professional experience in family law matters.

(b) Legal and personal qualities including, but not limited to:

(1) Knowledge of family matters, including related matters such as tax and pension law;

(2) Personal maturity so as to understand and make decisions on matters before the court; and

(3) Personal qualities of patience and understanding of the difficult personal matters which are the subject of divorce and a willingness to deal with complex family matters in a non-adversarial manner.

II. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

2 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes certain qualifications for marital masters. The bill requires marital masters to be nominated by the governor and confirmed by the executive council. The bill also requires the governor and council to approve marital master contracts.

Adopted.

Report adopted and ordered to third reading.

**HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce. **REFER FOR INTERIM STUDY**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The Department of Employment Security is currently studying the issue of unemployment benefit eligibility for part-time workers. The Labor, Industrial and Rehabilitative Services Committee wishes to review this study and may offer a different motion when the bill comes to the floor. Vote 16-0.

Adopted.

**HB 595-L**, enabling municipalities to grant the elderly property tax exemption to an additional person in a household. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Priscilla P. Lockwood for the Majority of Municipal and County Government: It was the opinion of the Committee that the objectives of this bill could be accomplished by procedures already in place at the local level. Vote 14-2.



Rep. Ralph L. Akins for the Minority of Municipal and County Government: The statutory minimum amounts established by the State of New Hampshire for income recognizes the difference between a single person and a married couple (ref. \$13,400 single, \$20,400 married). The statutory amount for assets is "\$35,000 or less," but makes no allowance for a married couple. Municipalities can and do allow higher asset limits, but they too give no consideration for married couples. Rep. Akins spoke against.

Rep. Simon spoke in favor and yielded to questions.

On a division vote, 238 members having voted in the affirmative and 44 in the negative, the majority report was adopted.

**SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: Coos County is made up of one city and 43 towns and unincorporated places and wants help to foster economic growth. The Municipal and County Government Committee worked on this issue and is bringing forth the idea of a pilot program that would sunset April 1, 2005. There are three criteria that Coos County meets – it has the lowest equalized taxable valuation per person, the highest unemployment rate for the last three years, and has the lowest population growth for the past five years of all the other nine counties in New Hampshire. Because of these three economically-depressed criteria, the committee recognizes a need to encourage new construction, rehabilitation and improvement of property for commercial and industrial uses. We are proposing the ability to adopt a very specific and focused tax exemption, at the local level, by any of Coos County municipalities. If the city or one of the 43 towns or unincorporated places meets two of the three economically-depressed criteria, which Coos County meets in totality, then it would be able to enact incentives provided. The local legislative body would determine the amount and new construction property tax exemption for commercial or industrial uses or both, as defined in SB 76. The exemption may run for a maximum period of 10 years, provided that for all years the exemption is in place, the dollar amount shall not exceed 500 percent of the increased assessed value. This exemption would not shift their current tax burden to other residents of the city or towns/unincorporated places since the current tax exemption would only apply to the increased assessed value that the new construction would generate. The committee also wants to ensure that if an exemption, as described, was adopted, all other requests for like exemptions would be uniformly administered within the city or town/unincorporated places. We urge our fellow members of the House to agree with us in adopting a needed economic tool for the citizens of the North Country and vote Ought to Pass as Amended. Vote 13-1.

### **Amendment (2026h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a pilot program allowing certain municipalities in Coos county to offer tax exemptions to foster public accommodation and industrial construction.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. As of May 1999, Coos county had the highest rate of unemployment in the state of New Hampshire. Between 1960 and 1999, Coos was the only county in the state to have a net decrease in population. Based on 1997 projections by the office of state planning, Coos county will continue to see the current trend of outward migration and decrease in numbers of its citizens under 40 years of age over the next 15 years, a more precipitous population decrease than that of its overall population. Therefore, it is the purpose of this act to foster the economic development of Coos county by enabling eligible, economically-depressed municipalities to encourage new construction, rehabilitation, and improvement of property for public accommodation and industrial use through the adoption of tax exemptions. It is the further purpose of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

2 Definitions. In this act:

1. "Eligible municipality" shall mean any city or town located in Coos county which meets 2 of the following 3 criteria as established by the director of the office of state planning:

(a) Is within the lowest 30 percent of municipalities based on equalized taxable valuation per person for the most recent year available prior to the vote taken pursuant to section 4 of this act;

(b) Is within the highest 30 percent of municipalities based on unemployment rate for the average of the 3 most recent years available prior to the vote taken pursuant to section 4 of this act;

(c) Is within the lowest 30 percent of municipalities based on population growth for the most recent 5-year-period available prior to the vote taken pursuant to section 4 of this act.

II. "Industrial uses" shall include all manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials.

III. "Public accommodation" shall mean any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than 100 rooms for rent or hire.

3 Property Tax Exemption. An eligible municipality may, by vote of the local legislative body pursuant to section 4 of this act, adopt a new construction property tax exemption for public accommodation or industrial uses, or both. The exemption shall apply only for property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations or improvements to existing structures. The exemption may run for a maximum period of 5 years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 200 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all new construction for which a proper application is filed.

4 Procedure for Adoption. A municipality desiring to adopt the provisions of section 3 of this act shall do so in the following manner:

I. In a town which is an eligible municipality, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3, and shall be voted upon by official ballot if that town has adopted the official ballot for the election of officers. A public hearing shall be held at least 15 but not more than 60 days prior to the vote.

II. In a city which is an eligible municipality, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such city may vote to place the question on the official ballot for any regular municipal election.

III. The vote shall specify the percentage of new assessed value to be exempted, the number of years duration of the exemption following new construction, and a reference to zoning use category definitions, if applicable. The exemption shall take effect in the tax year beginning April 1 following its adoption.

IV. A vote adopting section 3 of this act shall remain in effect for a maximum of 2 tax years; provided, however, that for any application which has already been granted prior to expiration of such 2 tax-year period, the exemption shall continue to apply at the rate and for the duration in effect at the time it was granted.

#### 5 Application for Exemption.

I. On or before March 1 following the date of notice of tax under RSA 72:1-d for any year for which the exemption is claimed, a person qualified for an exemption under section 3 of this act shall file an application with the selectmen or assessors, on an application form prepared by them, signed by the applicant under penalty of perjury, which contains adequate information to demonstrate that the applicant is qualified for the exemption.

II. The selectmen or assessors shall notify the applicant of their decision on or before July 1 following the date of notice of tax under RSA 72:1-d. The decision shall specify the amount of the exemption, that it is effective beginning the prior April 1, and the number of years for which the exemption applies to qualified construction. The decision of the selectmen or assessors may be appealed in the manner set forth in RSA 72:34-a.

III. An owner may apply for the exemption prior to construction, but in no case more than 12 months before the beginning of the tax year for which the exemption is sought. In such cases the selectmen or assessors may anticipatorily grant the exemption, subject to adjustment when the actual increase in assessed value becomes known. If construction is partially complete on April 1 of any year, the exemption for that year shall be based on the increased assessed value attributable to the

partial construction, but the duration of the exemption shall be adjusted such that the cumulative amount of exemptions received, based on the construction as completed, is proportional to that received by other eligible properties.

IV. The selectmen or assessors may request such additional or updated information as is necessary to determine eligibility. If they are satisfied that the applicant has willfully made any false statement, or has refused to provide information after such a request, they may refuse to grant the exemption.

V. If the municipality completes a revaluation during the period for which an exemption has been granted, the amount of the exemption shall be adjusted by the difference in equalization ratios applicable in the municipality before and after the revaluation.

6 Repeal. Sections 1-5 of this act, relative to a program allowing economically depressed municipalities in Coos county to offer tax exemptions to foster public accommodation and industrial construction, are repealed.

7 Effective Date.

I. Section 6 of this act shall take effect April 1, 2006.

II. The remainder of this act shall take effect April 1, 2001.

### AMENDED ANALYSIS

This bill establishes a pilot program allowing economically depressed municipalities in Coos county to offer tax exemptions applicable to non-statewide property taxes to foster growth in new and existing public accommodation and industrial construction.

Adopted.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

The question being the adoption of the report on SB 76.

Reps. MacGillivray and Mirski spoke against.

Reps. Foster, Guay and Gallus spoke in favor.

Rep. Ward spoke in favor and yielded to questions.

On a division vote, 191 members having voted in the affirmative and 71 in the negative, the report was adopted by the necessary two-thirds and referred to Finance.

**HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This bill, as amended, addresses the size of local telephone calling areas and intrastate access charges for in-state toll calls. (1) While the Public Utilities Commission has liberalized the procedure for expanding local telephone calling areas in the last two years, certain requests for expansion of calling areas are still automatically denied if there are currently few toll calls being made. The bill encourages the Commission to consider the likelihood of significant increases in the number of calls if these calls become local calls, especially where students attending the same public school would be able to make local calls to each other instead of toll calls. (2) The Science, Technology and Energy Committee supports the Public Utilities Commission's past efforts to reduce in-state toll call access charges to the level of interstate access charges. However, New Hampshire's in-state access charges are now well above interstate access charges and are higher than most other states in the region. The bill encourages the Public Utilities Commission to consider further decreases in in-state access charges even if customer monthly service charges would need to be increased. Reduction of these in-state access charges should produce greater competition for in-state toll calls and lower rates. The bill also encourages that these in-state access charges not vary greatly between Bell Atlantic customers and independent telephone customers, to reduce subsidies among groups of customers. Vote 18-0.

### Amendment (2083h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings.

I. The general court finds that significant benefits have been obtained by increasing the size of local telephone calling areas. The general court finds that, in general, it is desirable for municipi-



palities that send most of their students to the same public school district to have at least most of those students' homes within each other's local calling areas. The general court therefore finds that the public utilities commission, if it continues to use a community of interest standard as a first step in determining whether to proceed with requests to add additional exchanges to a local calling area, should not reject requests for larger calling areas solely because the existing volume of calls between exchanges that would become local calls is small. If few calls are currently being made, the commission should consider the likely increase in number should such calls become local calls, especially where students attending the same public school would acquire the opportunity to make local calls to each other instead of toll calls. However, while the general court urges the commission not to reject requests solely on the basis of a low current number of calls, the general court finds that the commission should continue to require an affirmative vote from the requesting exchange before expanding a local calling area.

II.(a) The general court finds that it is desirable for intrastate access charges, which local telephone exchange carriers charge to long distance providers for telephone calls outside local calling areas, not to exceed interstate access charges. The general court supports the public utilities commission's efforts in recent years to reduce intrastate access charges to the approximate level of interstate access charges.

(b) The general court finds that since the reductions in interstate access charges by federal regulators have often been accompanied by increases in customer charges for basic monthly telephone service, and since similar reductions in intrastate access charges may require similar increases in customer charges for basic monthly telephone service, the public utilities commission may consider decreases in intrastate access charges even if customer charges for basic monthly telephone service would need to be increased.

(c) The general court finds that the public utilities commission, when setting intrastate access charges, should consider both the disadvantages to customers of intrastate access charges that exceed interstate access charges and the disadvantages to customers of increases in charges for basic monthly services.

III. The general court finds that it is desirable for intrastate access charges not to vary greatly among local exchange carriers. Competitive long distance providers are unlikely to adopt different rates in different areas to compensate for these differences, and are likely, instead, to set their rates at a level that results in low-access-charge areas continuing to subsidize high-access-charge areas. The general court finds that, for local exchange carrier telephone utilities with relatively high intrastate access charges, the public utilities commission should consider increasing basic monthly service charges in order to decrease intrastate access charges.

2 New Sections; Public Utilities; Equality of Rates; Local Telephone Calling Areas and Intrastate Access Charges, Competitive Telephone Services Information. Amend RSA 378 by inserting after section 17 the following new sections:

378:17-a Local Telephone Calling Areas and Intrastate Access Charges.

I. In this section, "local calling area" means the area which may be called from a telephone calling exchange without paying toll charges or access charges.

II. If the commission uses a community of interest standard to limit requests to add additional exchanges to a local calling area, the commission should not reject requests solely because few calls are currently being made between the exchanges that would become local calls if the request were granted. If few calls are currently being made, the commission should consider the likelihood of significant increases in the number of calls between the exchanges if the request is granted and these calls become local calls, especially where public school district boundaries indicate that this is likely to occur.

III.(a) The commission should, as soon as possible after each significant decrease of interstate access charges by the federal government, consider corresponding reductions in intrastate access charges, taking into account both the disadvantages to customers of intrastate access charges that exceed interstate access charges and the disadvantages to customers of increases in charges for basic services.

(b) The commission should consider reducing intrastate access charges and increasing basic monthly service charges for local exchange carrier telephone utilities that have both a higher intrastate access charge than the state median intrastate access charge and a lower basic monthly service charge than the state median basic monthly service charge for exchanges with similar numbers of telephones within the local calling area.

**378:17-b Competitive Telephone Services Information.**

I. The commission is authorized to require telephone utilities that are also providers of competitive telephone services within New Hampshire or outside of New Hampshire to provide information to the commission concerning potential separation or divestiture. The information shall include the costs and other adverse consequences of requiring the separation of these businesses into 2 separate subsidiaries or the divestiture of one or the other into a completely separate corporate entity. This information may be required of any telephone utility which is engaged in any competitive business and which is also engaged either in any non-competitive business, or in any competitive business in which it has a market share exceeding 80 percent.

II. The commission is authorized to require telephone utilities that are required to make services available to competitive resellers to provide information to the commission concerning potential separation or divestiture. The information shall include the costs and other adverse consequences of requiring the separation or divestiture of the competitive portion of their business which competes with the competitive resellers. It should be assumed that the separated or divested portion would then be removed from price regulation.

III. The commission may require information pursuant to this section from all telephone utilities, or from telephone utilities larger than a specified size with or without a representative sample of telephone utilities smaller than that size, at the commission's discretion.

IV. The commission shall not mandate separation or divestiture without legislative approval unless so required by federal law.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill establishes standards for the determination of local telephone calling areas and intrastate access charges by local telephone providers. This bill also authorizes the public utilities commission to require telephone utilities to provide information to the commission regarding competitive services and possible separation or divestiture.

Adopted.

Report adopted and ordered to third reading by the necessary two-thirds.

**HB 457, extending the committee to study electric rate reduction financing. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill extends the date for the Committee to Study Electric Rate Reduction Financing (securitization) from November 1998 to May 2000. The only purpose of this bill is to study this issue. Vote 18-0.

**Amendment (2138h)**

Amend the bill by replacing section 1 with the following:

1 Committee to Study Electric Rate Reduction Financing; Report; Date Extended. Amend 1998, 263:5 to read as follows:

263:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before ~~[November 1, 1998]~~ **May 1, 2000**.

**AMENDED ANALYSIS**

This bill extends to May 1, 2000 the report date for the committee to study electric rate reduction financing established by 1998, 263.

Adopted by the necessary two-thirds.

Report adopted and ordered to third reading by the necessary two-thirds.

**HB 733, relative to a state master plan for the deployment of personal wireless service facilities. OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: The bill, as amended, attempts to rationally deal with the increase of telecommunication towers and their visual effect on New Hampshire landscape. The bill balances aesthetic concerns with the need for orderly development of telecommunications sites. The bill allows the Office of State Planning to develop a model zoning ordinance which local planning and zoning boards may use if they choose to adopt local zoning ordinances. The committee believes development of such a model ordinance will give invaluable

assistance to local officials trying to develop coherent ordinances consistent with federal law. Such a model ordinance is strictly advisory in nature and does not establish or supersede any existing local ordinances. The bill further allows for regional notification to other New Hampshire municipalities and their residents when a tower would be visible within a radius of 20 miles. Residents from other municipalities would be allowed to comment on a particular tower installation but would not be given legal standing under the proposed bill. The bill also instructs the Office of State Planning to create a statewide map of visible tower facilities in order to encourage orderly deployment of facilities as well as opportunities for co-location of facilities. There is no fiscal note attached to this bill, and the committee believes any fiscal impact will be very, very limited. The committee worked extensively with the bill's proponents as well as representatives of the wireless telecommunications industry. The committee believes that this bill will assist local communities that are struggling to understand both their opportunities and responsibilities under federal law with regard to the siting of telecommunication towers. This bill does not affect towers owned by amateur radio operators. Vote 18-0.

### **Amendment (2086h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Deployment of Personal Wireless Service Facilities. Amend RSA by inserting after RSA 12-1 the following new chapter:

#### **DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES**

##### **12-J:1 Goals; Purpose.**

I. The federal Telecommunications Act of 1996 regulates the deployment of wireless services in the United States. Its purpose is to make these services available to the American people quickly and in a very competitive manner.

II. The visual effects of tall antenna mounts or towers may go well beyond the physical borders between municipalities, and should be addressed so as to require that all affected parties have the opportunity to be heard.

III. Carriers wishing to build personal wireless service facilities (PWSFs) in New Hampshire should consider commercially available alternative PWSFs to tall cellular towers, which may include the use of the following:

- (a) Lower antenna mounts which do not protrude as far above the surrounding tree canopies.
- (b) Disguised PWSFs such as flagpoles, artificial tree poles, light poles, and traffic lights, which blend in with their surroundings.
- (c) Camouflaged PWSFs mounted on existing structures and buildings.
- (d) Custom designed PWSFs to minimize the visual impact of a PWSF on its surroundings.
- (e) Other available technology.

IV. A PWSF map is necessary to allow for the orderly and efficient deployment of wireless communication services in New Hampshire, and so that local communities have adequate information with which to consider appropriate siting and options to mitigate the visual effects of PWSFs.

##### **12-J:2 Definitions. In this chapter:**

I. "Antenna" means the equipment from which wireless radio signals are sent and received by a PWSF.

II. "Average tree canopy height" means the average height found by inventorying the height above ground level of all trees over 20 feet in height for a radius of 150 feet.

III. "Camouflaged" means for a personal wireless service facility one that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

IV. "Carrier" means a person that provides personal wireless services.

V. "Director" means the director of the office of state planning.

VI. "Disguised" means, for a PWSF, designed to look like a structure which may commonly be found in the area surrounding a proposed PWSF such as, but not limited to, flagpoles, light poles, traffic lights, or artificial tree poles.

VII. "Equipment shelter" means an enclosed structure, cabinet, shed vault, or box near the base of a mount within which are housed equipment for PWSFs such as, batteries and electrical equipment.

VIII. "Height" means the height above ground level from the natural grade of a site to the highest point of a structure.

IX. "Mount" means the structure or surface upon which antennas are mounted and include roof-mounted, side-mounted, ground-mounted, and structure-mounted types.



X. "Municipality" means any city, town, unincorporated town, or unorganized place within the state.

XI. "Personal Wireless Service Facility" or "PWSF" or "facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services.

XII. "Personal Wireless Services" means any wireless telecommunications services, and commercial mobile services including cellular telephone services, personal communications services, and mobile and radio paging services as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332 (c)(7)(C)(i).

XIII. "Radio frequency radiation" means the emissions from personal wireless service facilities.

12-J:3 Wireless Carriers Doing Business in this State. All wireless carriers or their appointed agents doing business, or seeking to do business, in this state shall:

I. Be allowed to construct new ground-mounted PWSFs, provided that these PWSFs comply with municipal regulations for maximum height or maximum allowed height above the average tree canopy height, subject to any exceptions allowed or variances granted by the municipality.

II. Comply with all applicable state and municipal land use regulations.

III. Comply with all federal, state and municipal statutes, rules and regulations, including federal radio frequency radiation emission regulations and the National Environmental Policy Act of 1969, as amended.

IV. Provide information at the time of application to construct an externally visible PWSF, or prior to construction if no approval is required, to the office of state planning, to the municipality in which the facility is to be constructed, and to each other municipality notified in accordance with RSA 12-J:7, as follows:

(a) A copy of their license from the Federal Communications Commission (FCC) proving that they are eligible to deploy their systems in this geographical area and that this deployment falls under the jurisdiction of the federal Telecommunications Act of 1996; or a copy of their contract with a person with such a license, and a copy of that license.

(b) Upon request, detailed maps showing all of the carrier's current externally visible tower and monopole PWSF locations in the state within a 20 mile radius, both active and inactive.

(c) Upon request, site descriptions for each of the above locations showing the antenna height and diameter, and showing all externally visible structures.

(d) Upon request, a description of why less visually intrusive alternatives for this facility were not proposed.

12-J:4 Payment of Costs. A wireless carrier seeking approval to deploy a wireless communication facility may be required to pay reasonable fees, including regional notification costs, imposed by the municipality in accordance with RSA 676:4, I(g).

12-J:5 Fall Zones. In order to provide protection from tower collapses and from falling debris including hardware, collapsing material, and ice, fall zones should be established, which ensure public safety at or near the base of tall antenna mounts or cellular towers. The radius of the fall zone should be equal to the height of the highest point of the facility including any antennae or appurtenances, unless a smaller radius is demonstrated to be appropriate based on the design of the specific structure. The radius of the fall zone should be the minimum distance from the base of any new ground mount PWSF to any property line, public road, habitable residential or business dwelling, or public recreational area, unless easements are obtained from all other property owners within the radius.

12-J:6 Personal Wireless Services Facilities Map. The director of the office of state planning shall develop a personal wireless service facilities map for the state. This map shall include all externally visible tower and monopole PWSF locations in the state, both active and inactive, for all carriers. This map shall also include for each of the above locations a site description as described in RSA 12-J:3, IV(c). Upon request of the director, any wireless carrier or its appointed agent doing business in this state shall provide a map of all of its existing externally visible tower and monopole PWSF locations in the state and a site description of each as described in RSA 12-J:3, IV(c).

12-J:7 Regional Notification.

I.(a) Any municipality or state authority or agency which receives an application to construct a PWSF which will be visible from any other New Hampshire municipality within a 20 mile radius shall provide written notification of such application and pending action to such other municipality. Such municipalities within the 20 mile radius and their residents shall be allowed to comment at any public hearing related to the application. Regional notification and comments from other municipalities or their residents shall not be construed to imply legal standing to challenge any decision.

(b) This notification shall include sending a letter to the governing body of the municipality detailing the pending action on the application and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality, stating the specifics of the application, the pending action, and the date of the next public hearing on the application. Such notice shall be published not less than 7 days nor more than 21 days prior to the public hearing date.

II.(a) Any person, prior to constructing a new PWSF in any location where no approval is required but which will be visible from any other New Hampshire municipality within a 20 mile radius, shall provide written notification of such planned construction to such other municipality.

(b) This notification shall include sending a letter to the governing body of the municipality detailing the planned construction and shall also include publishing a notice in a newspaper customarily used for legal notices by such municipality within a 20 mile radius, outlining the planned construction.

12-J:8 Rulemaking. The director of the office of state planning shall adopt rules under RSA 541-A as necessary to implement this act and to provide sufficient information to municipalities, other state agencies, wireless companies doing business or seeking to do business in this state, and the public. The director, after holding a public hearing, may also adopt rules proposing a model ordinance for municipalities relative to the deployment of wireless communications facilities.

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted by the necessary two-thirds.

Report adopted and ordered to third reading by the necessary two-thirds.

**SB 71**, prohibiting the use of MTBE as an additive in gasoline. **INEXPEDIENT TO LEGISLATE**  
Rep. Jeb E. Bradley for Science, Technology and Energy: This bill seeks to impose a legislative ban on the use of MtBE (methyl tertiary butyl ether) in gasoline by 2003. MtBE is an additive which is widely used in reformulated gasoline. Reformulated gasoline is designed to reduce air pollution. Reformulated gasoline has been required for use in Hillsborough, Rockingham, Merrimack, and Strafford Counties as part of New Hampshire's compliance with the federal Clean Air Act. While reformulated gasoline has reduced emissions of known carcinogens such as benzene, MtBE is water-soluble. Gasoline spills have contaminated wells with MtBE. In the 1999 session, Senate Bill 70 passed. It called for the Department of Environmental Services (DES) to set maximum contamination levels and remediation standards for MtBE. DES should propose this rule by the January deadline of the statute. Senate Bill 70 also required DES to seek a waiver from the EPA so that gasoline with a far lower MtBE content (though higher benzene content) could be used in New Hampshire on an interim basis. The EPA's initial response did not approve this waiver request. Governor Shaheen has resubmitted the request, this time directly to the Administrator of the EPA. As of this writing, Governor Shaheen has not received a reply. In the meantime, an EPA blue ribbon panel has recommended phasing out use of MtBE in gasoline however. Federal law currently severely limits states' flexibility in determining the components of gasoline, and the federal law may need to be changed to allow states more flexibility. The EPA has not recommended immediate removal of MtBE as it is likely there would be a corresponding increase of air emissions. Other additives such as ethanol are used in the mid-west. There is not enough ethanol currently available to supply areas of the country where reformulated is required such as the northeast and California. If cost and supply issues are solved, ethanol could replace MtBE. Ethanol does not have the same water quality problems as MtBE. Ethanol may increase some air emissions however. Senate Bill 70 gave authority to DES (with approval of Governor and Council) to limit or ban MtBE if a gasoline with less or no MtBE was readily available at a reasonable price and decreased public health risks. Compared to other states, New Hampshire has taken a very proactive stand in an attempt to protect water supplies. In addition, a statutory study committee created in 1999 by House Bill 592 has recommended new legislation which would encourage efforts already underway by northeastern states to work with gasoline refiners and EPA to create a regional gasoline with less or no MtBE that protects water quality and that provides equivalent air quality benefits. A check of other states showed that only California has enacted significant legislation. Even in that state, a bill just recently signed into law allows postponement of a MtBE ban originally proposed to take place through an Executive Order by the Governor of California by 2003. Maine and Connecticut have also passed legislation that studies MtBE. The Science, Technology and Energy Committee believes it has done everything it can to reduce the threat of MtBE to water supplies in the short run. Legislation banning MtBE in 2003 would not improve the water quality situation in that interim. A ban could lead to lawsuits under existing federal law and could undermine

efforts to work collaboratively on a regional gasoline solution. Unfortunately, it will take time to develop alternative gasolines with less or no MtBE that have less of an environmental and human health impact and are readily available in adequate supplies. The proponents of Senate Bill 71 believe passage of the bill at this time will increase pressure to act. The Committee believes that passage last session of Senate Bill 70 has already created that pressure and that it will be far more advantageous to pursue creation of a regional gasoline solution than proposing a ban which does little to protect water quality in the short run. Vote 15-1.

Adopted by the necessary two-thirds.

### VACATE

Rep. Edwin Smith moved that the House vacate the reference to the Committee on Public Works and Highways of *HB 1555-FN-L*, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville and requiring the department of transportation to convey a certain parcel of land to the town of Harrisville.

Adopted by the necessary two-thirds and referred to Resources, Recreation and Development.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 13, 2000 at 1:30 p.m.

Adopted by the necessary two-thirds.

### LATE SESSION

#### Third reading and final passage

*HB 628*, relative to the relocation of the principal residence of a child.

*HB 427*, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

*HB 304*, relative to school employee and volunteer background investigations.

*HB 310*, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

*SB 143*, relative to penalties for incest.

*SB 153-FN-A*, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

*HB 53*, relative to qualifications and appointments of marital masters.

*HB 387*, relative to local telephone calling areas, access charges, and competitive telephone services.

*HB 457*, extending the committee to study electric rate reduction financing.

*HB 733*, relative to a state master plan for the deployment of personal wireless service facilities.

### UNANIMOUS CONSENT

Rep. Buckley addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted by the necessary two-thirds.

The House recessed at 5:40 p.m.

### RECESS

#### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 3

Thursday, January 13, 2000

The House assembled at 1:30 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the podium for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Gracious Creator of all that is, seen and unseen, we give thanks today for the men and women of New Hampshire who work in public service and who are the unsung heroes of our communities. We especially remember: school teachers, administrators, and staff; police and fire personnel; town selectmen and women; town employees; state police; state reserves; and state employees in every branch of our government. We also give thanks for the men and women of this House, and give thanks for the dedication brought here in doing the people's business. May Your Spirit of openness, truth, courage and compassion guide the work that is done here today. And may all the citizens of our state give thanks for those who work daily on their behalf, and be emboldened to do their part to uphold the freedoms we share. Amen.

Rep. Gilmore led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Andrews, Belanger, Patricia Cote, Curran, Dawe, Doucette, Goulet, Hamel, Hawkinson, Jane Kelley, Lundborn, Lynch, McDonough-Wallace, McKinley, Mendenhall, Carol Moore, O'Hearn, O'Keefe, Searles, Stone and Thomas, the day, illness.

Reps. Bishop, Dalrymple, Dearborn, Fraser, Ham, Henderson, Langer, Leber, MacNeil, Kenneth Marshall, Nolan-Piteri, Priestley, Rabideau, Rosenfield, Spang and Vaughn, the day, important business.

Reps. Crosby and Rebecca Hutchinson, the day, death in the family.

Rep. Coughlin, the day, illness in the family.

### INTRODUCTION OF GUESTS

Marian Wright Edelman and retired Admiral Jack Shanahan, guests of Reps. French, Estabrook and Gile. Carol and Eddie Grant, wife and son of Rep. Grant. Bonnie Boulanger, Jon Garcia and Doug, Cheryl and Emily Gilmore, guests of Rep. Withee. Mary Fowler, guest of Rep. Rogers. Jean Picconi, wife of Rep. Picconi. Elaine Emerton, wife of Rep. Emerton. Paul Buffington, guest of Rep. Whittier. Michael Scheer, guest of Rep. Melcher. Helen Holbrook, wife of Rep. Holbrook.

### COMMITTEE ASSIGNMENT

Rep. Lynn Horton on Public Works and Highways.

### REMOVED FROM THE TABLE

Rep. Hess moved that **HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power, be removed from the table.

Adopted.

Rep. Hess moved that **HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power be Re-committed to Committee and spoke in favor.

Adopted.

### RESOLUTION

Reps. Chandler and Burling offered the following:

RESOLVED, that the House inform the Honorable Senate that it is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate U.S. Senator John McCain.

Adopted.

**SENATE MESSAGE**

The Senate is ready to meet in Joint Convention for the purpose of attending to remarks by Republican Presidential candidate U.S. Senator John McCain.

**JOINT CONVENTION**

(Speaker Sytek presiding)

**REMARKS**

U.S. Senator John McCain, Republican candidate for President, addressed the Joint Convention.

Sen. Larsen and Rep. Chandler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

**RECESS**

(Speaker Sytek in the Chair)

**REGULAR CALENDAR**

**CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that no felon, from the time of conviction until final discharge of sentence, shall vote in an election, become a candidate, or hold public office. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet S. Arndt for Election Law: The original bill added "felons" to the list of those who could not vote. Since the category of felon is broad, it would be difficult to enforce. The new amendment allows the General Court to pass laws in conformance with the Constitution relative to the election process. Vote 15-2.

Rep. Arndt moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 445**, relative to straight ticket voting procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Election Law: The study committee looked at House Bill 445 and Senate Bill 116 together since they both dealt with straight ticket voting. The problem appeared to be determining voter intent when the box for straight ticket was checked but the voter voted outside the straight ticket for a particular candidate. Currently the secretary of state has ruled any vote cast after a straight ticket vote shall supersede the straight ticket since it is obvious the voter intended to do so. The study committee felt this was sufficient and no legislation to change this was necessary. The full committee agreed. Vote 15-2.

Adopted.

**SB 116**, eliminating straight ticket voting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert E. Clegg, Jr. for the Majority of Election Law: The study committee looked at Senate Bill 116 and House Bill 445 together since they both dealt with the same subject. The problem appeared to be determining voter intent when the box for straight ticket was checked but the voter voted outside the straight ticket for a particular candidate. Currently the secretary of state has ruled any vote cast after a straight ticket vote shall supersede the straight ticket since it is obvious the voter intended to do so. The study committee felt this was sufficient and no legislation to change things was necessary. The majority of the full committee agreed. Vote 10-7.

Rep. Christine M. Konys for the Minority of Election Law: The minority believes that removing any doubt regarding voter intent when casting a ballot is far more important than the ease or speed of casting a straight ticket vote. Confusion during the recent recounts over determining the intent of the voter when the voter cast both a straight ticket vote and also a vote for other candidates in multi-candidate races is just cause for eliminating straight ticket voting altogether.

Rep. Konys spoke in against and yielded to questions.

Rep. Clegg spoke in favor and yielded to questions.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 191 NAYS 145****YEAS 191****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Turner, Robert

Czech, Stanley  
Millham, Alida  
Wendelboe, Francine

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Merrill, Gerald

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Scanlan, David

Alger, John  
Gilman, G Michael  
Mirski, Paul  
Ward, Brien

Brothers, Richard  
Hall, David  
Phinney, William  
Weber, Phil

Cobb, John  
Harmon, Hobart  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon Jr  
Clegg, Robert Jr  
Durham, Susan  
Fields, Dennis  
Hansen, Herbert  
Jean, Loren  
Lefebvre, Roland  
Martel, Andre  
McRae, Karen  
Mosher, William  
Pepino, Leo  
Rowe, Robert  
Wall, Nancy

Arnold, Thomas Jr  
Bergin, Peter  
Carlson, Donald  
Dalianis, Griffin  
Dyer, Merton  
Fletcher, Richard  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Mercer, Robert  
O'Connell, Timothy  
Perkins, Paul  
Sargent, Maxwell  
White, Donald

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Daniels, Gary  
Emerton, Lawrence  
Flora, Kathleen  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James Sr  
Milligan, Robert  
Ouellette, Dean  
Peterson, Andrew  
Tate, Joan  
Withee, Dennis

Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Desmarais, Vivian  
Fenton, James  
Gagnon, Eugene  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
Pappas, Marc  
Reeves, Sandra  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Hess, David  
Larrabee, David Sr  
Nichols, Avis  
Whittemore, James

Asplund, Bronwyn  
Hoadley, Elizabeth  
Lavoie, Gerard  
Poulin, Dave

Feuerstein, Martin  
Jacobson, Alf  
Marple, Richard  
Soltani, Tony

Hager, Elizabeth  
Kennedy, Richard  
Maxfield, Roy  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
Dowling, Patricia  
Francoeur, Sheila  
Hutchinson, Karen

Beaulieu, Jon  
Cooney, Richard  
Fesh, Robert  
Gleason, John  
Johnson, Robert

Bridle, Russell  
Cox, Russell  
Flanders, David  
Grant, Kenneth  
Katsakiores, George

Case, Margaret  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, Phyllis



Kelley, William  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Rubin, George  
Stritch, C Donald  
Welch, David

Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Putnam, Ed II  
Ruffner, Walter  
Tufts, J Arthur  
Weyler, Kenneth

Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Quandt, Marshall  
Sabella, Norma  
Varrell, Thomas  
Whittier, John

Lovejoy, Marian  
Moore, Benjamin  
Noyes, Richard  
Raynowska, Bernard  
Stickney, Nancy  
Weare, Everett  
Zolla, William

### STRAFFORD

Bickford, David  
Keans, Sandra  
Tsiros, William

Brown, Julie  
Musler, George

Cossette, Larry  
Spear, Barbara

Dunlap, Patricia  
Torr, Franklin

### SULLIVAN

Flint, Gordon Sr  
Young, David

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 145

### BELKNAP

Pilliod, James

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Meader, David  
Richardson, Barbara  
Zerba, Roger

Blaisdell, Michael  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

DePecol, Benjamin  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

### COOS

Glines, Sara

Landers, Dana

Mears, Edgar

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Johnson, Gary

Copenhagen, Marion  
Nordgren, Sharon

Densmore, Jessica  
Solow, Martha

Guest, Robert

### HILLSBOROUGH

Ahern, Richard  
Burkush, James  
Craig, James  
Drabinowicz, A Theresa  
Franks, Suzan  
Gorman, Mary  
Jean, Claudette  
LaPorte, George  
Martin, Mary  
Messier, Irene  
Simon, Anthony  
Williams, Carol

Arthur, Rose  
Clemons, Jane  
Daigle, Robert  
Dwyer, Paul Sr  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lasky, Bette  
McCarthy, William  
Murphy, Robert  
Turgeon, Roland

Bergeron, Lucien  
Cote, David  
Desrosiers, William  
Ford, Nancy  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Leonard, Peter  
McColgan, Philip Jr  
Reidy, Frank  
Vaillancourt, Steve

Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Foster, Linda  
Goley, Jeffrey  
Herman, Richard  
Konys, Christine  
Lynde, Harold  
Melcher, Harold  
Sarette, John  
White, John

### MERRIMACK

Bouchard, Candace  
Davis, Francis  
Lockwood, Priscilla  
Seldin, Gloria  
Wallner, Mary Jane

Brewster, Richard  
Fortnam, Janet  
Owen, Derek  
St Cyr, Gerard  
Yeaton, Charles

Chase, George  
French, Barbara  
Potter, Frances  
Virtue, Carolyn

Daneault, Gabriel  
Gile, Mary  
Rodd, Beth  
Wallin, Jean

## ROCKINGHAM

Abbott, Dennis  
Downing, Michael  
Langley, Jane  
Pitts, Jacqueline  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Flanagan, Natalie  
Langone, John  
Schanda, Frank

Clark, Martha  
Gibbons, Paul  
Norelli, Terie  
Shelton, Richard

Clark, Vivian  
Kane, Cecelia  
Pantelakos, Laura  
Splaine, James

## STRAFFORD

Berube, Roger  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Rollo, Michael  
Twardus, Joseph  
Woods, Phyllis

Brennan, William  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Smith, Marjorie  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair  
Vincent, Francis

Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet

## SULLIVAN

Allison, David  
McIntyre, Sara  
Wiggins, Celestine

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

and the majority report was adopted.

**SB 228-FN**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank V. Sapareto for the Majority of Executive Departments and Administration: This bill as amended by the Senate replaces the benefits for retirees whose retirement date occurred prior to April 1, 1987. It places these retirees on the same playing field as those who retired after that date. The committee felt that it was only fair to equate these benefits. It also provides for options for those pre-April 1, 1987 retirees who took a reduced benefit to provide for spousal benefit. The estimated cost from the special account, which does not affect the General Fund in any way, is approximately \$1.8 million. The special account purpose specifies such use and has a substantial surplus making this appropriation with little effort. Vote 15-4.

Rep. Merton S. Dyer for the Minority of Executive Departments and Administration: The minority does not agree with the majority that this bill should become law. This bill will provide a spousal benefit to certain Group II retirees. This bill, as written, raises many concerns that are unanswered in the bill. This bill is not clear on certain provisions of the implementation, such as, what will the 50 percent spousal benefit be based upon – annuity at retirement or value of current annuity – will the additional benefits, providing benefits in excess of 100 percent of the accurately determined values be in conflict with IRC(a)9 and, if so, will this affect the tax exempt status of the New Hampshire system and the personal tax status of the beneficiary? The bill will provide a 50 percent spousal benefit to the spouses of those members retired prior to April 1, 1987. The actuary has determined this will cost \$4.4 million for approximately 500 people. By providing this spousal benefit, the spouse will be eligible for the medical insurance subsidy for a cost of \$3.7 million or a total cost of \$8.1 million from the Special Account of the Group II members, for a small number of retirees. This brings up a question of the fairness of this bill. Many who retired prior to 1987 elected a survivorship option, which has been available since at least 1955. Those who provided for their spouse have been receiving a monthly annuity of less than 100 percent. There is no provision in this bill to extend the same privilege to them or to reimburse them for the reduced benefit they have been receiving. Legislation passed in 1987, Chapter 216 Spousal Benefits, established the automatic 50 percent spousal benefit and made the benefits available prospectively. The Legislature has allowed those with 100 percent benefit two opportunities, Chapter 251 of 1990 and Chapter 166 of 1992, to change their option to a survivorship allowance, but for various reasons they did not change their benefits. This bill will provide them with a gift to keep their 100 percent annuity and provide a 50 percent annuity for the spouse. These benefits are not actuarially determined, but rather done by percentage of some annuity. This bill has too many flaws to become law. An amendment to provide only the medical health subsidy was defeated by the committee.

**Amendment (2195h)**

Amend the bill by replacing sections 2 and 3 with the following:

2 Right to Elect Optional Retirement Allowance; Certain Group II Retired Members. Notwithstanding any provision of RSA 100-A:13 to the contrary, any currently retired group II member of the New Hampshire retirement system or a predecessor system, who retired prior to April 1, 1987 with a full service or ordinary disability allowance and who originally elected and are receiving the 100 percent joint and survivor option, or 100 percent option, will be allowed to elect a 50 percent joint survivor, 50 percent pop up option, or no option, prospectively. Those members who elected and are receiving a 50 percent joint survivor or 50 percent pop up option may continue their option or no option, prospectively, as provided by RSA 100-A:13. The optional allowance shall be of equal actuarial value to the allowance the retiree is receiving as of July 1, 2000. The total benefit payable to a survivor shall not exceed the amount payable to the member.

3 Effective Date. This act shall take effect July 1, 2000.

Reps. Dyer and O'Neil spoke against.

The amendment failed.

Rep. Dyer offered a floor amendment.

**Floor Amendment (3072h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Benefits Upon Member's Death After Retirement. Amend RSA 100-A:12 by inserting after paragraph I the following new paragraph:

I-a. In addition to any other provision of this section, upon the death of a retired group II member of the New Hampshire retirement system or any predecessor system, who retired pursuant to RSA 100-A:5, II with at least 20 years of creditable service or pursuant to RSA 100-A:6, II(a) prior to April 1, 1987, there shall be paid to the member's spouse at the time of retirement, if surviving, an allowance to continue until the spouse's death or remarriage equal to 50 percent of the service or ordinary disability retirement allowance payable to the retired member prior to the member's death. The total cost of terminally funding the benefits provided by this paragraph shall be funded from the special account established under RSA 100-A:16, II(h).

2 Right to Elect Optional Retirement Allowance; Certain Group II Retired Members. Notwithstanding any provision of RSA 100-A:13 to the contrary, any retired group II member of the New Hampshire retirement system or a predecessor system, who retired pursuant to RSA 100-A:5, II with at least 20 years of creditable service or pursuant to RSA 100-A:6, II(a) prior to April 1, 1987 and who originally elected and are receiving the 100 percent joint and survivorship option, or 100 percent joint and survivorship pop up option, will be allowed to elect a 50 percent joint and survivorship option, 50 percent joint and survivorship pop up option, or the maximum allowance otherwise payable, prospectively. Those members who elected and are receiving a 50 percent joint and survivorship option or 50 percent joint and survivorship pop up option may continue their option or elect the maximum allowance otherwise payable, prospectively. Any retired member who makes an election pursuant to this paragraph shall make the election between July 1, 2000 and December 31, 2000 on a form prescribed by the board of trustees. The optional allowance shall be of equal actuarial value to the allowance the retiree is receiving as of July 1, 2000. The total benefit payable to a survivor shall not exceed the amount payable to the member.

3 Effective Date. This act shall take effect July 1, 2000.

Rep. Dyer spoke in favor.

Adopted.

Rep. Dyer spoke in favor of the report and yielded to questions.

Report adopted and referred to Finance.

Reps. Mock and Phinney declared conflicts of interest and did not participate.

**MOTION TO SPECIAL ORDER**

Rep. Kurk moved that **CACR 10**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education, be made a Special Order for Thursday, January 27, 2000 in the Regular Calendar order.

Adopted.



**REGULAR CALENDAR (CONT'D.)**

**CACR 11**, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: The issue primarily dealt with in CACR 11 is for the net proceeds of the state lottery to be distributed directly to the cities and towns, before being used exclusively for the purpose of state aid to education. At present these funds now go into the education trust fund established in HB 117 last session; and previously they were paid directly to individual school districts.

Much of the content of this CACR was based on previous school funding processes which were materially changed by HB 117, hence the CACR's original mechanism is no longer applicable. Even if the intent remains as proposed, future legislative activity in response to present or future court mandates or legislative initiatives may again make the bill's approach inappropriate. Vote 21-0. Adopted.

**CACR 26**, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. **OUGHT TO PASS**

Rep. David J. Alukonis for Finance: CACR 26 acknowledges the state's duty to provide an opportunity for an adequate education to all public school pupils in NH. It defines the scope of the state duty while establishing the limits of the Court's involvement in legislative policy decisions. As we have already seen, the Court will step into the education debate again and again unless we amend the constitution to define the proper roles of the legislature and the courts.

The adoption of CACR 26 is an affirmation of the state's duty to provide an adequate public education. The amendment provides that the legislature will decide the nature of the duty, how much it costs, and how it shall be funded. The legislature may also delegate part or all of the duty to its political subdivisions. The Court's involvement is limited to a review of whether or not the legislature had a rational basis for its policy decisions.

The additional language proposed in CACR 26 cements and defines the state's duty to public schools within the constitution while at the same time preventing an endless stream of lawsuits and appeals against the state. The passage of CACR 26 by the legislature would also let NH voters decide whether to restore control over education and tax policy to their elected representatives or whether to leave such policy making to the courts. Vote 13-7.

Reps. Mirski, Marjorie Smith and Burling spoke against.

Reps. O'Connell, Herman and Chandler spoke in favor and yielded to questions.

The Speaker, as per Article 100(a), Part II of the State Constitution, called for a roll call.

The question being the adoption of the report.

**YEAS 165 NAYS 174**

**YEAS 165****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Turner, Robert

Czech, Stanley  
Millham, Alida  
Wendelboe, Francine

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Royce, H Charles

Hunt, John  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Davis, Perley  
Merrill, Gerald

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Weber, Phil

Alger, John  
Gilman, G Michael  
Phinney, William

Brothers, Richard  
Harmon, Hobart  
Picconi, Al

Cobb, John  
Hinman, Harry  
Ward, Brien

**HILLSBOROUGH**

Alukonis, David  
Brundige, Robert  
Clegg, Robert Jr  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Mosher, William  
Pepino, Leo  
Tate, Joan

Arnold, Thomas Jr  
Bruno, Pierre  
Dalianis, Griffin  
Durham, Susan  
Fields, Dennis  
Hansen, Herbert  
Jean, Loren  
Lefebvre, Roland  
Martel, Andre  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O Alan

Batula, Peter  
Calawa, Leon Jr  
Daniels, Gary  
Dyer, Merton  
Fletcher, Richard  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Milligan, Robert  
Ouellette, Dean  
Rowe, Robert  
White, Donald

Belvin, William  
Chabot, Robert  
Desmarais, Vivian  
Emerton, Lawrence  
Flora, Kathleen  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James Sr  
Moran, Edward  
Pappas, Marc  
Sargent, Maxwell  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Whalley, Michael

Asplund, Bronwyn  
Larrabee, David Sr

Hess, David  
Nichols, Avis

Hoadley, Elizabeth  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
Fesh, Robert  
Francoeur, Sheila  
Hutchinson, Karen  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas

Beaulieu, Jon  
Clark, Vivian  
Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Mikowski, Walter  
Nowe, Ronald  
Raynowska, Bernard  
Stickney, Nancy  
Weare, Everett

Bridle, Russell  
Cox, Russell  
Flanders, David  
Grant, Kenneth  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Reardon, Neil  
Stritch, C Donald  
Welch, David

Case, Margaret  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Kelley, William  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Rubin, George  
Tufts, J Arthur  
Whittier, John

**STRAFFORD**

Cossette, Larry  
Tsiros, William

Musler, George  
Woods, Phyllis

Spear, Barbara

Torr, Franklin

**SULLIVAN**

Jones, Constance

Kibbey, David

Leone, Richard

Young, David

**NAYS 174****BELKNAP**

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

Torressen, Gary

**CHESHIRE**

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Robertson, Timothy

Blaisdell, Michael  
Lynott, Margaret  
Mitchell, McKim  
Russell, Ronald

Burnham, Daniel  
Manning, Joseph  
Pratt, John  
Zerba, Roger

DePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara

**COOS**

Glines, Sara

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Hall, David  
Scanlan, David

Copenhaver, Marion  
Johnson, Gary  
Solow, Martha

Densmore, Jessica  
Mirski, Paul

Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien  
Carlson, Donald  
Cote, Peter  
Drabinowicz, A Theresa  
Franks, Suzan  
Gorman, Mary  
Jean, Claudette  
LaPorte, George  
Lynde, Harold  
McRae, Karen  
Perkins, Paul  
Simon, Anthony  
White, John

Arthur, Rose  
Bergin, Peter  
Christiansen, Lars  
Craig, James  
Dwyer, Paul Sr  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lasky, Bette  
Martin, Mary  
Melcher, Harold  
Peterson, Andrew  
Turgeon, Roland  
Williams, Carol

Baroody, Benjamin  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Ford, Nancy  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Leishman, Peter  
McCarthy, William  
Messier, Irene  
Reidy, Frank  
Vaillancourt, Steve

Beaupre, Roland  
Burkush, James  
Cote, David  
Dokmo, Cynthia  
Foster, Linda  
Goley, Jeffrey  
Herman, Richard  
Konys, Christine  
Leonard, Peter  
McColgan, Philip Jr  
Murphy, Robert  
Sarette, John  
Wall, Nancy

**MERRIMACK**

Bouchard, Candace  
Davis, Francis  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
St Cyr, Gerard  
Yeaton, Charles

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Marple, Richard  
Poulin, Dave  
Virtue, Carolyn

Chase, George  
Fortnam, Janet  
Jacobson, Alf  
Maxfield, Roy  
Rodd, Beth  
Wallin, Jean

Daneault, Gabriel  
French, Barbara  
Lavoie, Gerard  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Corbin, C David  
Johnson, Robert  
Norelli, Terie  
Sabella, Norma  
Splaine, James

Blanchard, MaryAnn  
DiFruscia, Anthony  
Kane, Cecelia  
Pantelakos, Laura  
Schanda, Frank  
Weatherspoon, Jackie

Clark, Martha  
Downing, Michael  
Langone, John  
Pitts, Jacqueline  
Shelton, Richard  
Weyler, Kenneth

Cooney, Richard  
Gibbons, Paul  
Lovejoy, Marian  
Putnam, Ed II  
Shultis, Elizabeth  
Zolla, William

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Twardus, Joseph

Bickford, David  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Vachon, Dennis

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Vincent, Francis

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet



**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Tuthill, John

Burling, Peter  
 McIntyre, Sara  
 Wiggins, Celestine

Cloutier, John  
 Phinizy, James

Donovan, Thomas Jr  
 Robb-Theroux, Amy

and the report failed.

Rep. Burling moved Inexpedient to Legislate.

Adopted.

**SPECIAL ORDER**

**HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax. (Pending question is Ought to Pass With Amendment)

Rep. Jacobson offered a floor amendment.

**Floor Amendment (3053h)**

Amend the title of the bill by replacing it with the following:

AN ACT increasing exemptions under the interest and dividends tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Individuals, Businesses, Fiduciaries. Amend RSA 77:3, I(a)-(c) to read as follows:

(a) Individuals who are inhabitants or residents of this state for any part of the taxable year whose gross interest and dividend income from all sources exceeds [~~\$2,400~~] **\$3,000** during that taxable period.

(b) Partnerships, limited liability companies, associations, and trusts, the beneficial interest in which is not represented by transferable shares, whose gross interest and dividend income from all sources exceeds [~~\$2,400~~] **\$3,000** during the taxable year, but not including a qualified investment company as defined in RSA 77-A:1, XXI, or a trust comprising a part of an employee benefit plan, as defined in the Employee Retirement Income Security Act of 1974, section 3.

(c) Fiduciaries deriving their appointment from a court of this state whose gross interest and dividend income from all sources exceeds [~~\$2,400~~] **\$3,000** during the taxable year.

2 Increase in Exemption. Amend RSA 77:5, I and II to read as follows:

I. Income of [~~\$2,400~~] **\$3,000**.

II. An additional [~~\$1,200~~] **\$3,000** if either or both taxpayers are 65 years of age or older on the last day of the tax year.

3 Filing of Returns. Amend RSA 77:18, IV(a) and (b) to read as follows:

(a) Every individual whose total interest and dividend income is less than [~~\$2,400~~] **\$3,000** for a taxable period.

(b) For joint filers whose total interest and dividend income is less than [~~\$4,800~~] **\$6,000** for a taxable period.

4 Effective Date. This act shall take effect July 1, 2000.

**AMENDED ANALYSIS**

This bill increases exemptions under the interest and dividends tax.

Rep. Jacobson spoke in favor and yielded to questions.

Adopted.

Reps. MacGillivray, Almy and Whalley spoke against.

Rep. Phinizy spoke in favor.

Rep. Young spoke in favor and yielded to questions.

Rep. Jacobson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 197 NAYS 134****YEAS 197****BELKNAP**

Bartlett, Gordon  
 Pilliod, James  
 Wood, Jane

Johnson, James  
 Rosen, Ralph

Lawton, David  
 Salatiello, Thomas

Millham, Alida  
 Turner, Robert

**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Philbrick, Donald	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Mitchell, McKim	Pratt, John	Robertson, Timothy	Rose, William

**COOS**

Davis, Perley	Gallus, John	Glines, Sara	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert

**GRAFTON**

Cobb, John	Copenhaver, Marion	Densmore, Jessica	Gilman, G Michael
Guest, Robert	Hall, David	Johnson, Gary	Phinney, William
Scanlan, David	Solow, Martha	Weber, Phil	

**HILLSBOROUGH**

Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin	Beaupre, Roland
Bergeron, Lucien	Bergin, Peter	Bruno, Pierre	Carlson, Donald
Cote, Peter	Craig, James	Daigle, Robert	Dalianis, Griffin
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul Sr
Dyer, Merton	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Franks, Suzan	Gagnon, Eugene	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Holley, Sylvia	Jean, Claudette	Johnson, Lionel
Keye, Harvey	LaPorte, George	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McColgan, Philip Jr
McDonald, James Sr	McRae, Karen	Messier, Irene	Milligan, Robert
Murphy, Robert	Ouellette, Dean	Pepino, Leo	Perkins, Paul
Reidy, Frank	Sarette, John	Turgeon, Roland	Vaillancourt, Steve
Wall, Nancy	White, Donald	White, John	Williams, Carol
Withe, Dennis			

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Davis, Francis	Fortnam, Janet
French, Barbara	Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard
Lockwood, Priscilla	Marple, Richard	Maxfield, Roy	Owen, Derek
Poulin, Dave	Rodd, Beth	Soltani, Tony	St Cyr, Gerard
Virtue, Carolyn	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Bridle, Russell	Case, Margaret	Christie, Andrew Jr
Corbin, C David	Cox, Russell	Downing, Michael	Gibbons, Paul
Gleason, John	Grant, Kenneth	Griffin, Mary	Hutchinson, Karen
Kane, Cecelia	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	McKinney, Betsy
Noyes, Richard	O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline
Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard	Rubin, George
Sabella, Norma	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stritch, C Donald	Varrell, Thomas	Weare, Everett
Whittier, John			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin

Dunlap, Patricia  
Kaen, Naida  
Pelletier, Marsha  
Torr, Franklin

Gilmore, Gary  
Keans, Sandra  
Rogers, Rose Marie  
Tsiros, William

Heon, Richard  
Lent, Donald  
Rollo, Michael  
Twardus, Joseph

Johnson, Nancy  
Pelletier, Arthur  
Spear, Barbara  
Wall, Janet

### SULLIVAN

Cloutier, John  
Kibbey, David  
Young, David

Donovan, Thomas Jr  
Leone, Richard

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Tuthill, John

### NAYS 134

### BELKNAP

Boriso, Thomas  
Rice, Thomas

Boyce, Robert  
Wendelboe, Francine

Czech, Stanley

Holbrook, Robert

### CARROLL

Chandler, Gene  
Torresen, Gary

Lyman, L Randy

Mock, Henry

Patten, Betsey

### CHESHIRE

Hunt, John  
Roberts, William  
Zerba, Roger

Lerandeau, Alfred  
Royce, H Charles

Meador, David  
Russell, Ronald

Richardson, Barbara  
Smith, Edwin

### COOS

Guay, Lawrence

Merrill, Gerald

Tholl, John Jr

Woodward, David

### GRAFTON

Akins, Ralph  
Hinman, Harry  
Picconi, Al

Almy, Susan  
Marshall, Gene  
Ward, Brien

Dudley, Terri  
Mirski, Paul

Harmon, Hobart  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Brundige, Robert  
Chabot, Robert  
Cote, David  
Emerton, Lawrence  
Hansen, Herbert  
Konys, Christine  
Lasky, Bette  
Martel, Andre  
Mercer, Robert  
Pappas, Marc  
Sargent, Maxwell

Alukonis, David  
Buckley, Raymond  
Christiansen, Lars  
Daniels, Gary  
Ford, Nancy  
Herman, Keith  
Kurk, Neal  
Lessard, Rudy  
McCarty, Winston  
Moran, Edward  
Peterson, Andrew  
Simon, Anthony

Batula, Peter  
Burkush, James  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Foster, Linda  
Hunter, Bruce  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Mosher, William  
Reeves, Sandra  
Tate, Joan

Belvin, William  
Calawa, Leon Jr  
Clemons, Jane  
Durham, Susan  
Goley, Jeffrey  
Jean, Loren  
LaRose, Richard  
MacGillivray, Jeffrey  
Melcher, Harold  
O'Connell, Timothy  
Rowe, Robert  
Thulander, O Alan

### MERRIMACK

Asplund, Bronwyn  
Hess, David  
Whalley, Michael

Bouchard, Candace  
Nichols, Avis

Chase, George  
Seldin, Gloria

Daneault, Gabriel  
Wallin, Jean

### ROCKINGHAM

Arndt, Janet  
Clark, Vivian  
Fesh, Robert  
Francoeur, Sheila  
Major, Norman

Beaulieu, Jon  
Cooney, Richard  
Flanagan, Natalie  
Johnson, Robert  
Moore, Benjamin

Blanchard, MaryAnn  
DiFruscia, Anthony  
Flanders, David  
Katsakiores, George  
Morse, Charles

Clark, Martha  
Dowling, Patricia  
Flanders, John Sr  
Katsakiores, Phyllis  
Norelli, Terie



Nowe, Mary Lou  
Stickney, Nancy  
Weyler, Kenneth

Nowe, Ronald  
Tufts, J Arthur  
Zolla, William

Reardon, Neil  
Weatherspoon, Jackie

Ruffner, Walter  
Welch, David

### STRAFFORD

Cossette, Larry  
Smith, Marjorie  
Woods, Phyllis

Estabrook, Iris  
Taylor, Kathleen

Knowles, William  
Vachon, Dennis

Musler, George  
Vincent, Francis

### SULLIVAN

Allison, David

Burling, Peter

Robb-Theroux, Amy

Wiggins, Celestine

and the motion was adopted.

Ordered to third reading.

Rep. Alger declared a conflict of interest and did not participate.

### REGULAR CALENDAR (CONT'D.)

**SB 36-FN-A**, relative to salary increases for care providers for persons with developmental and acquired disabilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert K. Boyce for Finance: There was little disagreement about the need to increase the pay of these people providing direct care to some of the neediest people in the Health and Human Services system. There was disagreement about where the money should come from. This bill, as amended, directs the commissioner to provide the money for these increases from money not in the current budget. There was testimony that over \$6 million of non-budget funds has already been received. The cost of this increase is \$2.28 million of general fund money for fiscal year 2001. Vote 24-0.

#### Amendment (2117h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to salary increases for direct care providers for persons with developmental and acquired disabilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court finds that direct care providers for persons with developmental and acquired disabilities currently earn an hourly wage of \$7.54 or approximately \$15,683 annually. This amount is insufficient to continuously attract qualified and committed providers and to pay those providers a minimally adequate hourly wage. The funding contained in section 2 of this act will raise the wage of direct care providers, of which there are approximately 1,575 in New Hampshire, to \$18,034 (\$8.67 per hour) in the fiscal year ending June 30, 2001. It is the intent of the general court that the commissioner of health and human services request to fund the state portion through use of additional revenues under 1999, 225:2 or RSA 167:64.

2 Transfer. 1999, 225:5 is repealed and reenacted to read as follows:

225:5 Transfer. The commissioner of health and human services shall transfer not more than \$4,553,875 for the purpose of paying direct care providers for persons with developmental and acquired disabilities. This amount shall be funded from non-budget funds including matching federal funds, funds from any other source received by the department, and from RSA 167:64. Notwithstanding RSA 167:64, it is the intent of the general court that the commissioner of the department of health and human services request under 1999, 225:2, the fiscal committee and the governor and council to approve use of any additional revenues or not more than \$2,277,000 under RSA 167:64 for the purpose of the salary increase.

3 Effective Date. This act shall take effect July 1, 2000.

#### AMENDED ANALYSIS

This bill authorizes the commissioner of health and human services to request moneys from the uncompensated care fund for salary increases for direct care providers.

Adopted.

Report adopted and ordered to third reading.

**SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Finance: This bill increases the minimum allowance and grants additional COLAs to retired group II members (police and firemen) whose annual allowance is less than a certain very low amount. The committee heard compelling testimony that certain individuals, mostly elderly (many in their 80s) who retired a long time ago, are receiving monthly checks which are far below the amounts required to live a life of dignity commensurate with the quality service they provided the state over the years. Testimony was also convincing that this increase can be accomplished within the existing retirement fund framework. Therefore there is no negative financial impact to the state. The amendment increases the minimum amount from \$5200 to \$10,000 as was the intent of the original legislation. It also establishes a percentage formula for COLA increases so that those on the bottom of the scale, the most needy, benefit most. For example, those currently receiving \$9300 or less will be increased to the minimum of \$10,000. Those currently receiving between \$9300 and \$11,699 will get a 7<sup>1/2</sup> % COLA, but those currently receiving between \$15,700 and \$17,699 will get a COLA of only 3%. Vote 22-0.

### Amendment (2009h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

Amend the bill by replacing all after the enacting clause with the following:

1 Service Retirement; Group II; Minimum Allowance Increased. Amend RSA 100-A:5, II (c) (1) to read as follows:

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on a full service retirement allowance shall receive a minimum service retirement allowance of ~~[\$5,200]~~ **\$10,000**. In comparing the minimum service retirement allowance and the full service retirement allowance, the full service retirement allowance shall be the sum of the basic allowance plus COLA's. The provisions of this subparagraph shall not apply to a group II member who has retired on a reduced or on a vested deferred retirement allowance. In the case of a group II member who has retired on a full service retirement allowance, and who has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the ~~[\$5,200]~~ **\$10,000** which shall be based upon the optional allowance which the surviving spouse is receiving. Under no circumstances shall the provisions of this subparagraph be construed to reduce the retirement benefits being paid to a group II member as of the effective date of this subparagraph.

2 Optional Allowances; Spousal Acknowledgement of Election. Amend RSA 100-A:13, I to read as follows:

I. Any member who has reached service retirement age as provided in RSA 100-A:5, I(a), or II(a), or RSA 100-A:19-b, or any retiree within 120 days after the effective date of retirement, may elect to receive, instead of the retirement allowance otherwise payable, a retirement allowance of equivalent actuarial value under one of the options named in paragraph III, or to redesignate any such option previously elected. When the member elects to receive an optional retirement allowance under paragraph III, the beneficiary or beneficiaries whom the member nominates may include the member's spouse and/or children. The notice of election or change of retirement option shall be on a form designated by the board, **and which shall include a spousal acknowledgment with signature, if any election or change by the member**. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election or change of option if made during the 120-day grace period. When an election or change of option is made during the 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree. After expiration of the 120-day grace period no change in option selection shall be permitted except as provided in paragraph II. If a retiree dies after filing notice of election or change of option during the 120-day grace period but before the effective date, the election or change shall be effective as of the date of death. If a member dies after filing an election for a survivorship retirement option and before the effective date of retirement, whether or not the member has filed for retirement, the beneficiary who was nominated by the member in the election of the option may elect to receive either the optional survivor benefit which the member had elected or the ordinary

death benefit provided under RSA 100-A:9, whichever is more advantageous to the beneficiary; provided that, in the case of the member's death before retirement, if the beneficiary named in the survivorship option election is not the same person as the beneficiary under RSA 100-A:9, then the death benefit under RSA 100-A:9, II, and not the survivorship option shall apply.

3 New Section; Supplemental Allowances for Certain Retired Group II Members. Amend RSA 100-A by inserting after section 41-a the following new section:

100-A:41-b Supplemental Allowances for Certain Retired Group II Members.

I. An eligible retired group II member of the New Hampshire retirement system, or beneficiary, whose annual retirement allowance as reported on the member's Internal Revenue Service Form 1099-R was less than \$17,700 and who retired on or before June 30, 1998, shall receive an additional allowance or a \$10,000 minimum service retirement allowance whichever is greater, as provided in paragraph II and RSA 100-A:5, II. An eligible retired group II member shall be a member, or beneficiary of such member, who retired with at least 20 years of creditable service under RSA 100-A:5, II, or member, or beneficiary of such member, who retired under RSA 100-A:6, II. The provisions of this section shall not apply to a group II member who has retired on a reduced or vested deferred retirement allowance. The additional allowance shall become a permanent addition to each member or beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

II. The supplemental allowance, or COLA, provided in paragraph I shall be the following percent increase for the following annual reported retirement allowance of each member:

- (a) Less than \$9,300, the applicable percentage to reach \$10,000;
- (b) \$9,300 - \$11,699, 7 1/2 percent;
- (c) \$11,700 - \$13,699, 5 1/2 percent;
- (d) \$13,700 - \$15,699, 4 percent;
- (e) \$15,700 - \$17,699, 3 percent.

4 Funding of Supplemental Allowances. The total actuarial cost of the additional allowances provided in RSA 100-A:41-b as inserted by section 3 of this act shall be funded on a terminal basis from the special account established in RSA 100-A:16, II(h).

5 Repeal. RSA 100-A:5, II(c)(2) and (3), relative to the reduction in minimum service retirement allowance due to federal social security benefits or other benefits, are repealed.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill increases the minimum allowance and grants additional COLAs to retired group II members whose annual retirement allowance is less than a certain amount. The additional COLAs are funded on a terminal basis from the special account.

The bill also adds a requirement of spousal acknowledgment for a member's election or change of an optional allowance.

Reps. Virtue, Dyer and Dickinson spoke against.

Rep. Vivian Clark spoke in favor and yielded to questions.

Rep. Wallin spoke in favor.

Rep. Torr requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

### YEAS 178 NAYS 141

#### YEAS 178

#### BELKNAP

Boriso, Thomas  
Pilliod, James

Boyce, Robert  
Salatiello, Thomas

Czech, Stanley  
Wendelboe, Francine

Holbrook, Robert

#### CARROLL

Babson, David Jr

Bradley, Jeb

Chandler, Gene

Mock, Henry

#### CHESHIRE

Blaisdell, Michael  
Lynott, Margaret

DePecol, Benjamin  
Manning, Joseph

Hunt, John  
McGuirk, Paul

Lerandeau, Alfred  
Meador, David



Mitchell, McKim  
Robertson, Timothy  
Smith, Edwin

Pratt, John  
Rose, William  
Zerba, Roger

Richardson, Barbara  
Royce, H Charles

Roberts, William  
Russell, Ronald

### COOS

Horton, Lynn  
Woodward, David

Mears, Edgar

Rodrigue, Robert

Tholl, John Jr

### GRAFTON

Akins, Ralph  
Guest, Robert  
Nordgren, Sharon

Almy, Susan  
Hinman, Harry  
Solow, Martha

Densmore, Jessica  
Johnson, Gary

Dudley, Terri  
Marshall, Gene

### HILLSBOROUGH

Ahern, Richard  
Belvin, William  
Burkush, James  
Clemons, Jane  
Daigle, Robert  
Dwyer, Paul Sr  
Ford, Nancy  
Garrish, Linda  
Herman, Keith  
Johnson, Lionel  
L'Heureux, Robert  
Lozeau, Donnalee  
McGough, Tim  
Pepino, Leo  
Sarette, John  
Vaillancourt, Steve

Alukonis, David  
Bergeron, Lucien  
Calawa, Leon Jr  
Cote, David  
Desrosiers, William  
Fields, Dennis  
Foster, Linda  
Ginsburg, Ruth  
Herman, Richard  
Keye, Harvey  
LaPorte, George  
McCarthy, William  
McRae, Karen  
Perkins, Paul  
Simon, Anthony  
White, John

Baroody, Benjamin  
Brundige, Robert  
Chabot, Robert  
Cote, Peter  
Dokmo, Cynthia  
Fletcher, Richard  
Franks, Suzan  
Goley, Jeffrey  
Hunter, Bruce  
Konys, Christine  
LaRose, Richard  
McColgan, Philip Jr  
Melchor, Harold  
Reidy, Frank  
Thulander, O Alan  
Williams, Carol

Beaupre, Roland  
Buckley, Raymond  
Christiansen, Lars  
Craig, James  
Drabinowicz, A Theresa  
Flora, Kathleen  
Gagnon, Eugene  
Gorman, Mary  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
McDonald, James Sr  
Pappas, Marc  
Rowe, Robert  
Turgeon, Roland

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Jacobson, Alf  
Seldin, Gloria  
Yeaton, Charles

Bouchard, Candace  
French, Barbara  
Kennedy, Richard  
Wallin, Jean

Brewster, Richard  
Gile, Mary  
Owen, Derek  
Whalley, Michael

Chase, George  
Hess, David  
Rodd, Beth  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Downing, Michael  
Johnson, Robert  
Lovejoy, Marian  
Pitts, Jacqueline  
Ruffner, Walter  
Splaine, James

Clark, Vivian  
Flanagan, Natalie  
Kane, Cecelia  
Major, Norman  
Quandt, Marshall  
Schanda, Frank  
Tufts, J Arthur

Cooney, Richard  
Gleason, John  
Kelley, William  
Norelli, Terie  
Raynowska, Bernard  
Shelton, Richard  
Weyler, Kenneth

Corbin, C David  
Grant, Kenneth  
Langley, Jane  
Pantelakos, Laura  
Reardon, Neil  
Shultz, Elizabeth

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Taylor, Kathleen  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Torr, Franklin  
Woods, Phyllis

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Lent, Donald  
Tsiros, William

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Smith, Marjorie  
Twardus, Joseph

### SULLIVAN

Allison, David  
Tuthill, John

Burling, Peter

Cloutier, John

Flint, Gordon Sr

**NAYS 141****BELKNAP**

Bartlett, Gordon  
Rice, Thomas

Johnson, James  
Rosen, Ralph

Lawton, David  
Turner, Robert

Millham, Alida  
Wood, Jane

**CARROLL**

Dickinson, Howard  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph  
Sullivan, P Judith

Lyman, L Randy  
Torresen, Gary

**CHESHIRE**

Avery, Stephen

Batchelder, Robert

**COOS**

Davis, Perley  
Merrill, Gerald

Gallus, John  
Pratt, Leighton

Guay, Lawrence

Landers, Dana

**GRAFTON**

Alger, John  
Hall, David  
Picconi, Al

Cobb, John  
Harmon, Hobart  
Scanlan, David

Copenhaver, Marion  
Mirski, Paul

Gilman, G Michael  
Phinney, William

**HILLSBOROUGH**

Arnold, Thomas Jr  
Bruno, Pierre  
Daniels, Gary  
Fenton, James  
Jean, Loren  
Lynde, Harold  
McCarty, Winston  
Moran, Edward  
Ouellette, Dean  
Wall, Nancy

Arthur, Rose  
Carlson, Donald  
Durham, Susan  
Hall, Betty  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Mercer, Robert  
Mosher, William  
Peterson, Andrew  
White, Donald

Batula, Peter  
Clegg, Robert Jr  
Dyer, Merton  
Hansen, Herbert  
Leishman, Peter  
Martel, Andre  
Messier, Irene  
Murphy, Robert  
Sargent, Maxwell  
Withee, Dennis

Bergin, Peter  
Dalianis, Griffin  
Emerton, Lawrence  
Holley, Sylvia  
Leonard, Peter  
Martin, Mary  
Milligan, Robert  
O'Connell, Timothy  
Tate, Joan

**MERRIMACK**

Asplund, Bronwyn  
Hoadley, Elizabeth  
Marple, Richard  
St Cyr, Gerard

Davis, Francis  
Larrabee, David Sr  
Nichols, Avis  
Virtue, Carolyn

Fortnam, Janet  
Lavoie, Gerard  
Poulin, Dave

Hager, Elizabeth  
Lockwood, Priscilla  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
Dowling, Patricia  
Francoeur, Sheila  
Katsakiores, George  
Letourneau, Robert  
Nowe, Mary Lou  
Rubin, George  
Varrell, Thomas  
Zolla, William

Beaulieu, Jon  
Clark, Martha  
Fesh, Robert  
Gibbons, Paul  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Ronald  
Sabella, Norma  
Weare, Everett

Blanchard, MaryAnn  
Cox, Russell  
Flanders, David  
Griffin, Mary  
Kobel, Rudolph  
Moore, Benjamin  
O'Neil, Michael  
Stickney, Nancy  
Welch, David

Case, Margaret  
DiFruscia, Anthony  
Flanders, John Sr  
Hutchinson, Karen  
Langone, John  
Morse, Charles  
Putnam, Ed II  
Stritch, C Donald  
Whittier, John

**STRAFFORD**

Bickford, David  
Pelletier, Marsha  
Vachon, Dennis

Cossette, Larry  
Rogers, Rose Marie  
Vincent, Francis

Knowles, William  
Rollo, Michael

Pelletier, Arthur  
Spear, Barbara

## SULLIVAN

Jones, Constance  
Robb-Theroux, Amy

Kibbey, David  
Wiggins, Celestine

Leone, Richard  
Young, David

Phinizy, James

and the amendment was adopted.

On a division vote, 210 members having voted in the affirmative and 109 in the negative, the report was adopted and ordered to third reading.

## RECONSIDERATION

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it ordered to third reading **SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance, and spoke against.

On a division vote, 82 members having voted in the affirmative and 222 in the negative, reconsideration failed.

## REGULAR CALENDAR (CONT'D.)

**CACR 2**, relating to supreme court rules. Providing that supreme court rules shall be subject to review and approval by a special legislative committee. **OUGHT TO PASS WITH AMENDMENT** Rep. Tony F. Soltani for Judiciary: The 1978 constitutional amendment to article 73-a was approved by the voters. The voters were not explicitly informed of the language that the rules of the Supreme Court would have the "force and effect of law." In fact, the question presented to the voters never mentioned those words. This language has been a source of controversy while the representatives of the court have repeatedly advised the Legislature that this language was superfluous and without substantive effect. This proposal seeks to remedy the oversight of the 1978 amendment by affording the voters an opportunity to choose after having been fully informed. The proposal clarifies an existing ambiguity. Vote 13-2.

## Amendment (2015h)

Amend the title of the resolution by replacing it with the following:

**RELATING TO:** supreme court rules.

**PROVIDING THAT:** supreme court rules may not be inconsistent with statutes.

Amend the resolution by replacing paragraph I with the following:

I. That article 73-a of the second part of the constitution be amended to read as follows:

[Art.] 73-a [Supreme Court, Administration.] The chief justice of the supreme court shall be the administrative head of all the courts. He shall, with the concurrence of a majority of the supreme court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law; *provided, however, that such rules may not be inconsistent with statutes.*

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide that supreme court rules may not be inconsistent with statutes?

## AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides that supreme court rules may not be inconsistent with statutes.

Adopted.

Rep. Boyce requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 231 NAYS 76**

**YEAS 231**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wood, Jane

Boyce, Robert  
Lawton, David  
Salatiello, Thomas

Czech, Stanley  
Millham, Alida  
Turner, Robert



**CARROLL**

Babson, David Jr  
Kenney, Joseph  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Lerandeau, Alfred  
Mitchell, McKim  
Rose, William

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Royce, H Charles

Blaisdell, Michael  
McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

Hunt, John  
Meador, David  
Roberts, William  
Zerba, Roger

**COOS**

Davis, Perley  
Mears, Edgar  
Woodward, David

Gallus, John  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Nordgren, Sharon  
Solow, Martha

Alger, John  
Gilman, G Michael  
Johnson, Gary  
Phinney, William

Cobb, John  
Hall, David  
Marshall, Gene  
Picconi, Al

Copenhaver, Marion  
Harmon, Hobart  
Mirski, Paul  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Bergin, Peter  
Calawa, Leon Jr  
Clegg, Robert Jr  
Daniels, Gary  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McCarty, Winston  
Milligan, Robert  
Ouellette, Dean  
Sargent, Maxwell  
Turgeon, Roland  
Williams, Carol

Arnold, Thomas Jr  
Beaupre, Roland  
Brundige, Robert  
Carlson, Donald  
Cote, Peter  
Desrosiers, William  
Dyer, Merton  
Fletcher, Richard  
Gagnon, Eugene  
Herman, Richard  
Jean, Loren  
L'Heureux, Robert  
Leishman, Peter  
Martel, Andre  
McGough, Tim  
Moran, Edward  
Pappas, Marc  
Simon, Anthony  
Vaillancourt, Steve  
Withee, Dennis

Arthur, Rose  
Belvin, William  
Bruno, Pierre  
Chabot, Robert  
Daigle, Robert  
Dokmo, Cynthia  
Emerton, Lawrence  
Flora, Kathleen  
Goley, Jeffrey  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
Martin, Mary  
McRae, Karen  
Mosher, William  
Pepino, Leo  
Tate, Joan  
Wall, Nancy

Baroody, Benjamin  
Bergeron, Lucien  
Buckley, Raymond  
Christiansen, Lars  
Dalianis, Griffin  
Drabinowicz, A Theresa  
Fenton, James  
Ford, Nancy  
Hansen, Herbert  
Hunter, Bruce  
Keye, Harvey  
Lasky, Bette  
Lynde, Harold  
McCarthy, William  
Mercer, Robert  
O'Connell, Timothy  
Rowe, Robert  
Thulander, O Alan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Hager, Elizabeth  
Larrabee, David Sr  
Poulin, Dave

Brewster, Richard  
Hoadley, Elizabeth  
Lavoie, Gerard  
Soltani, Tony

Davis, Francis  
Jacobson, Alf  
Marple, Richard  
Whalley, Michael

Fortnam, Janet  
Kennedy, Richard  
Nichols, Avis

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew Jr  
Cox, Russell  
Fesh, Robert  
Francoeur, Sheila

Arndt, Janet  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Grant, Kenneth

Beaulieu, Jon  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Griffin, Mary

Case, Margaret  
Corbin, C David  
Downing, Michael  
Flanders, John Sr  
Hutchinson, Karen

Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Quandt, Marshall  
Sabella, Norma  
Tufts, J Arthur  
Weyler, Kenneth

Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Raynowska, Bernard  
Splaine, James  
Varrell, Thomas  
Whittier, John

Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
Pantelakos, Laura  
Reardon, Neil  
Stickney, Nancy  
Weare, Everett  
Zolla, William

Kelley, William  
Letourneau, Robert  
Morse, Charles  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Welch, David

### STRAFFORD

Cossette, Larry  
Heon, Richard  
Pelletier, Arthur  
Tsiros, William

DeChane, Marlene  
Johnson, Nancy  
Pelletier, Marsha  
Wall, Janet

Dunlap, Patricia  
Kaen, Naida  
Rollo, Michael  
Woods, Phyllis

Gilmore, Gary  
Knowles, William  
Torr, Franklin

### SULLIVAN

Burling, Peter  
Leone, Richard

Flint, Gordon Sr

Jones, Constance

Kibbey, David

### NAYS 76

### BELKNAP

Pilliod, James

### CARROLL

Dickinson, Howard

### CHESHIRE

DePecol, Benjamin

Lynott, Margaret

Robertson, Timothy

### COOS

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan

Densmore, Jessica

Guest, Robert

### HILLSBOROUGH

Burkush, James  
Ginsburg, Ruth  
Leonard, Peter  
Messier, Irene  
Reidy, Frank

Craig, James  
Gorman, Mary  
McColgan, Philip Jr  
Murphy, Robert  
Sarette, John

Dwyer, Paul Sr  
Hall, Betty  
McDonald, James Sr  
Perkins, Paul  
White, John

Garrish, Linda  
Konys, Christine  
Melcher, Harold  
Peterson, Andrew

### MERRIMACK

Bouchard, Candace  
Gile, Mary  
Seldin, Gloria  
Whittemore, James

Chase, George  
Hess, David  
St Cyr, Gerard  
Yeaton, Charles

Daneault, Gabriel  
Lockwood, Priscilla  
Virtue, Carolyn

French, Barbara  
Rodd, Beth  
Wallin, Jean

### ROCKINGHAM

Blanchard, MaryAnn  
Lovejoy, Marian  
Shelton, Richard

Clark, Martha  
Norelli, Terie  
Shultis, Elizabeth

Gleason, John  
Pitts, Jacqueline

Johnson, Robert  
Schanda, Frank

### STRAFFORD

Berube, Roger  
Brown, Julie  
Keans, Sandra  
Taylor, Kathleen

Bickford, David  
Callaghan, Frank  
Lent, Donald  
Twardus, Joseph

Brennan, William  
Domingo, Baldwin  
Rogers, Rose Marie  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Smith, Marjorie  
Vincent, Francis

## SULLIVAN

Allison, David  
Tuthill, John

Cloutier, John  
Wiggins, Celestine

Phinizy, James  
Young, David

Robb-Theroux, Amy

and the report failed lacking the constitutionally required three-fifths.

## MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Konys moved that the House reconsider its action whereby it failed to adopt the committee report on **CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes, by the constitutionally required three-fifths.

## LAID ON THE TABLE

Rep. Mock moved that **CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes, be laid on the table.

Adopted. (Pending motion is reconsideration)

## MOTION TO SPECIAL ORDER

Rep. Chandler moved that **CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed, be made a Special Order for Thursday, January 27, 2000 in the regular calendar order. Adopted.

## MOTION TO VACATE

Rep. Hager moved that the House vacate the references of the following bills to the Committee on Finance.

**HB 1434**, relative to processing applications under the medicaid waiver.

**HB 1578-FN-A**, relative to the joint promotional program and making an appropriation therefor.

**HB 1580-FN-A-L**, allowing businesses to apply the investment tax credit to contributions made to public schools, charter schools, and scholarship funding organizations.

**HB 1599-FN-A-L**, establishing a prescription drug payment assistance program and making an appropriation therefor.

**CACR 31**, relating to the constitutional duty of the legislature concerning the interest of literature and the sciences. Providing that the legislature shall no longer have the constitutional duty to promote the interest of literature and the sciences.

**HB 1148-FN-L**, relative to certain weighted pupils within the adequate education grant distribution formula.

**HB 1180-FN**, relative to separating the budget for New Hampshire public television from the university system of New Hampshire budget.

**HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue.

**HB 1352**, requiring that state funding for public television be used exclusively for the production of original programming.

**HB 1387-L**, relative to pre-existing school districts within a cooperative school district.

**HB 1461-FN-A-L**, relative to an education property tax exemption and school choice.

**HB 1572-FN-A-L**, repealing the education trust fund, the sources of funding for the education trust fund, and the procedures for funding state aid for educational adequacy.

**HB 1247-FN-L**, increasing the tax rate assessed on excavated earth.

**HB 1261-FN-A-L**, replacing the excavation tax and excavation activity tax with an excavation yield tax.

**HB 1339-FN-L**, relative to the local option to exempt taxation of certain excavation activity.

**HB 1178**, relative to using state funds for changing the name of a state agency or department.

**HB 1282**, establishing a committee to study the possibility of self-insuring state employees.

**HB 1356-FN**, relative to sales tax exemption certificates for antique dealers.

**HB 1473-FN**, relative to the payment of certain costs to contract service providers or vendors for pending claims by the department of health and human services.

**HB 1573-FN**, relative to funding of the salary of the director of emergency medical services.



**HB 1284-FN**, prohibiting the courts from charging fees.

**HB 1490-L**, relative to enabling municipalities to enact a sales tax.

**HB 1586-FN-A-L**, relative to public highway safety grants and making an appropriation therefor.

**HB 1321**, relative to certain funds collected by order of the public utilities commission.

**HB 1436-FN-A**, reducing the temporary rate of the communications services tax.

**HJR 22**, relative to the unintended consequences of the Balanced Budget Act of 1997.

**HB 1491-FN**, granting an adjustment to the business enterprise tax paid by transportation companies that contract for the transportation of public school pupils.

Rep. Hager spoke in favor and yielded to questions.

Rep. Chandler spoke against.

Reps. Royce and Herman spoke against and yielded to questions.

Rep. Langone moved that the motion to vacate be postponed to a time certain on the next session day and spoke in favor.

On a division vote, 94 members having voted in the affirmative and 191 in the negative, the motion to postpone failed.

Rep. Lozeau spoke against the motion to vacate.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the motion to vacate.

## YEAS 102 NAYS 184

### YEAS 102

#### BELKNAP

Millham, Alida	Salatiello, Thomas	Wood, Jane
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#### CARROLL

Dickinson, Howard	Sullivan, P Judith
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#### CHESHIRE

DePecol, Benjamin	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Mitchell, McKim	Pratt, John	Richardson, Barbara	Robertson, Timothy
Russell, Ronald			

#### COOS

Davis, Perley	Rodrigue, Robert
---------------	------------------

#### GRAFTON

Almy, Susan	Cobb, John	Densmore, Jessica	Guest, Robert
Johnson, Gary	Mirski, Paul	Scanlan, David	Solow, Martha

#### HILLSBOROUGH

Arthur, Rose	Bergeron, Lucien	Bergin, Peter	Bruno, Pierre
Cote, Peter	Daigle, Robert	Dokmo, Cynthia	Fenton, James
Garrish, Linda	Ginsburg, Ruth	Gorman, Mary	Hall, Betty
Keye, Harvey	Leishman, Peter	Lynde, Harold	Martin, Mary
McColgan, Philip Jr	Messier, Irene	O'Connell, Timothy	Sarette, John
Simon, Anthony	Turgeon, Roland	White, Donald	Williams, Carol

#### MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Fortnam, Janet
French, Barbara	Hager, Elizabeth	Lockwood, Priscilla	Marple, Richard
Poulin, Dave	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Whittemore, James	Yeaton, Charles		

#### ROCKINGHAM

Beaulieu, Jon	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Corbin, C David	Cox, Russell	Kane, Cecelia
Katsakiores, George	Kelley, William	Langley, Jane	Langone, John

Lovejoy, Marian  
Quandt, Marshall  
Stickney, Nancy

Norelli, Terie  
Sabella, Norma  
Weyler, Kenneth

Pantelakos, Laura  
Shultis, Elizabeth

Putnam, Ed II  
Splaine, James

### STRAFFORD

Brennan, William  
Kaen, Naida  
Rogers, Rose Marie  
Vachon, Dennis

DeChane, Marlene  
Keans, Sandra  
Rollo, Michael

Heon, Richard  
Pelletier, Arthur  
Taylor, Kathleen

Johnson, Nancy  
Pelletier, Marsha  
Twardus, Joseph

### SULLIVAN

Leone, Richard  
Young, David

Phinizy, James

Tuthill, John

Wiggins, Celestine

### NAYS 184

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas

Boriso, Thomas  
Johnson, James  
Rosen, Ralph

Boyce, Robert  
Lawton, David  
Turner, Robert

Czech, Stanley  
Pilliod, James  
Wendelboe, Francine

#### CARROLL

Babson, David Jr  
Kenney, Joseph  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

#### CHESHIRE

Avery, Stephen  
Lerandeau, Alfred  
Smith, Edwin

Batchelder, Robert  
Meader, David  
Zerba, Roger

Blaisdell, Michael  
Rose, William

Hunt, John  
Royce, H Charles

#### COOS

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

Mears, Edgar

#### GRAFTON

Akins, Ralph  
Gilman, G Michael  
Nordgren, Sharon

Alger, John  
Hall, David  
Phinney, William

Copenhaver, Marion  
Hinman, Harry  
Picconi, Al

Dudley, Terri  
Marshall, Gene

### HILLSBOROUGH

Ahern, Richard  
Belvin, William  
Carlson, Donald  
Craig, James  
Durham, Susan  
Fields, Dennis  
Foster, Linda  
Herman, Richard  
Jean, Loren  
L'Heureux, Robert  
Leonard, Peter  
McCarthy, William  
McRae, Karen  
Moran, Edward  
Pappas, Marc  
Tate, Joan  
White, John

Arnold, Thomas Jr  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Dwyer, Paul Sr  
Fletcher, Richard  
Gagnon, Eugene  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Melcher, Harold  
Mosher, William  
Peterson, Andrew  
Thulander, O Alan  
Withee, Dennis

Batula, Peter  
Buckley, Raymond  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Hansen, Herbert  
Hunter, Bruce  
Konys, Christine  
Lasky, Bette  
MacGillivray, Jeffrey  
McDonald, James Sr  
Mercer, Robert  
Murphy, Robert  
Rowe, Robert  
Vaillancourt, Steve

Beaupre, Roland  
Calawa, Leon Jr  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Lefebvre, Roland  
Martel, Andre  
McGough, Tim  
Milligan, Robert  
Ouellette, Dean  
Sargent, Maxwell  
Wall, Nancy

**MERRIMACK**

Anderson, Eric	Daneault, Gabriel	Davis, Francis	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr
Lavoie, Gerard	Nichols, Avis	Wallin, Jean	Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Christie, Andrew Jr	Clark, Vivian
DiFruscia, Anthony	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Grant, Kenneth	Griffin, Mary	Hutchinson, Karen	Johnson, Robert
Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert	Major, Norman
Moore, Benjamin	Nowe, Mary Lou	Nowe, Ronald	Pitts, Jacqueline
Raynowska, Bernard	Reardon, Neil	Ruffner, Walter	Schanda, Frank
Shelton, Richard	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Whittier, John	Zolla, William

**STRAFFORD**

Berube, Roger	Brown, Julie	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Knowles, William
Smith, Marjorie	Torr, Franklin	Tsiros, William	Vincent, Francis
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Flint, Gordon Sr
Jones, Constance	Kibbey, David	Robb-Theroux, Amy	

and the motion failed.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Young moved that the House reconsider its action whereby it ordered to third reading **HB 235-FN-A**, increasing exemptions under the interest and dividends tax, and spoke against. Reconsideration failed.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, January 27, 2000 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 235-FN-A**, increasing exemptions under the interest and dividends tax.

**SB 36-FN-A**, relative to salary increases for care providers for persons with developmental and acquired disabilities and making an appropriation therefor.

**SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:25 p.m.



## RECESS

(Rep. Sapareto in the Chair)

## RESOLUTION

Rep. Dickinson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1614, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

## INTRODUCTION OF HOUSE BILL

## First, second reading and referral

**HB 1614**, naming 2 bridges. (L'Heureux, Hills 18; Jacobson, Merr 2; Milligan, Hills 18; Griffin, Rock 27; D. White, Hills 25; Roberge, Dist 9; D'Allesandro, Dist 20; Disnard, Dist 8; Johnson, Dist 3; F. King, Dist 1: Public Works and Highways)

## SENATE MESSAGES

## NONCONCURRENCE

**HB 366**, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.

## CONCURRENCE

**HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

## CONCURRENCE WITH AMENDMENTS

**SB 29-L**, relative to the proper sheltering of dogs.

**SB 86**, relative to enforcement of the collection and payment of county taxes by the county treasurer.

**SB 162**, authorizing licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances.

**SB 176-FN-A**, relative to technology support for individuals and establishing a committee to study certain assistive technology services provided statewide.

**SB 222-FN-A-L**, relative to guarantee of loans to local development organizations.

## RECESS

(Rep. Clegg in the Chair)

## RESOLUTION

Rep. Lozeau offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 46 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF SENATE BILL

## First, second reading and referral

**SB 46-FN**, relative to the applicability of mooring permit requirements. (Resources, Recreation and Development)

## RECESS

(Rep. Chandler in the Chair)

## RESOLUTION

Rep. Lozeau offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1615, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1615-L**, relative to the application of a local per capita income weighting factor to the education property tax. (Bradley, Carr 8; Chandler, Carr 1; Patten, Carr 9: Finance)

**RECESS****(Rep. Fields in the Chair)****ENROLLED BILL AMENDMENT**

**SB 176-FN-A**, relative to technology support for individuals and establishing a committee to study certain assistive technology services provided statewide. (Amendment printed SJ 2/3/00)  
Adopted.

**RECESS****(Rep. Leighton Pratt in the Chair)****ENROLLED BILL AMENDMENT**

**HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists.

**Amendment (3153-EBA)**

Amend section 30 of the bill to read as follows:

30 Effective Date. This act shall take effect July 1, 2000.  
Adopted.

**RESOLUTION**

Rep. Betty Hall offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1200 and 1616, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1200-FN**, relative to the application of education property tax hardship relief to real estate trusts. (Chandler, Carr 1; Mock, Carr 3; Patten, Carr 9; Hess, Merr 11; Vaughn, Rock 35; Cohen, Dist 24; Klemm, Dist 22; Johnson, Dist 3; F. King, Dist 1; Gordon, Dist 2: Finance)

**HB 1616-FN**, relative to registration fees for certain construction equipment vehicles. (J. Flanders, Rock 18; Chandler, Carr 1; McCarty, Hills 38: Transportation)

**RECESS****(Rep. Chandler in the Chair)****RESOLUTION**

Rep. Sytek offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1617, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.  
Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1617-FN**, relative to suspension of a driver's license for sufficient cause. (Packard, Rock 29; Letourneau, Rock 13; Bartlett, Belk 6: Transportation)

## RECESS

(Speaker Sytek in the Chair)

## COMMITTEE ASSIGNMENTS

Rep. Marie N. Rabideau off State-Federal Relations and Veterans Affairs; on Legislative Administration.

Rep. David A. Young off Legislative Administration; on State-Federal Relations and Veterans Affairs.

Rep. Chandler moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 4

Thursday, January 27, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Gracious Creator, of all that is seen and unseen, we stand before You in thanksgiving for the liberties and freedoms we share as Americans and as citizens of New Hampshire. We ask for Your continued blessing upon the honorable work done in this chamber. Give wisdom, insight, and courage to the legislators here assembled, that they may serve to promote the dignity and well being of those who sent them here. Give patience and energy to all those who staff this hallowed chamber and who work behind the scenes to support the democratic process that we cherish. And as we approach our Presidential primary decision, stir up among all the people of New Hampshire a true love for freedom, that each may participate as his or her conscience dictates, and that each may be a faithful steward and defender of the liberties we share. Amen.

Rep. Holbrook led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Bishop, Julie Brown, Cobb, Patricia Cote, Eaton, Ford, Goulet, Guay, Hamel, Hawkinson, Henderson, Heon, Howard, Jane Kelley, McDonough-Wallace, Nichols, Royce, Sabella, Searles, Shelton, Taylor and Turner, the day, illness.

Reps. Asplund, Blanchard, Bridle, Doucette, Flint, Fraser, Glines, Hess, Kaen, LaMott, Leber, McIntyre, McKinney, O'Keefe, Marsha Pelletier, Priestley, Rosenfield, St. Cyr, Torr, Williams and Woodward, the day, important business.

### INTRODUCTION OF GUESTS

Douglas Campbell, guest of Rep. Sullivan. Noreen McCarthy, wife of Rep. McCarthy. Patricia McDonald, wife of Rep. McDonald. Chris Rawsthorne, guest of Reps. Virtue and Dickinson.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HCR 29**, promoting the development and implementation of a financial literacy curriculum for primary school pupils in New Hampshire, removed by Rep. Kenney.

**HB 1198**, establishing a procedure for the 2001 voter checklist verification, removed by Rep. Kennedy.

**CACR 35**, relating to malfeasance and crime in state agencies. Providing that a permanent grand jury shall be established to review and investigate all actions by agencies of the state of New Hampshire and all indictments arising therefrom shall be prosecuted promptly and without delay, removed by Rep. Mirski.

**HB 1263-FN**, establishing the crime of misrepresentation of law or facts of a case by a state judicial, executive, or legislative official, removed by Rep. Christiansen.

**HB 1486-FN**, making the penalty for the offense of official oppression a felony and creating a civil cause of action against public officials for abuse of office or improper influence, removed by Rep. Weyler.

**HB 1290**, relative to liability for motor vehicle state inspection, registration, and equipment violations, removed by Rep. Vaillancourt.

Consent Calendar adopted by the necessary two-thirds.

**HB 1212**, relative to extending the reporting date of the open adoption study committee. OUGHT TO PASS

Rep. Laura C. Pantelakos for Children and Family Law: The committee felt that more time was needed to study this issue. Vote 13-0.

**HB 1130**, relative to persons conducting alcohol concentration tests. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill re-establishes the right of a defendant to confront the evidence against him/her at trial. When RSA 265:90 was amended to permit the certifying scientist to testify at trial rather than the chemist performing the test, it inadvertently removed the right for the defendant to question the person performing the breath test. The committee felt that this was a fairness issue. The amendment only changes the effective date to upon passage. Vote 14-0.

#### Amendment (3107h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

**HB 1136**, adding the dean of the college for lifelong learning to the university system of New Hampshire board of trustees. OUGHT TO PASS WITH AMENDMENT

Rep. David E. Larrabee, Sr. for Education: This bill corrects an inequity in the university system of three out of four Presidents being on the Board of Trustees. This legislation includes the President of the College of Life Long Learning. The amendment corrects language in other sections of the law referring to CLL. The committee recognizes the inflated number of trustees on the Board and instructed a letter be sent to the University Oversight Committee to review and make recommendations on this issue. Vote 14-1.

#### Amendment (3064h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the university system of New Hampshire board of trustees.

Amend RSA 187-A:13, I as inserted by section 2 of the bill by replacing it with the following:

I. [~~Seven~~] **Eight** ex-officio members: the governor of the state, the chancellor of the university system, the commissioner of agriculture, markets, and food, the commissioner of education, the president of the university of New Hampshire, the president of Plymouth state college, the president of Keene state college, *the president of the university system college for lifelong learning*;

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as section 5:

3 State College and University System; Operation of the Board of Trustees; Quorum Amended. Amend RSA 187-A:15, IV to read as follows:

IV. [~~Thirteen~~] **Fourteen** members shall constitute a quorum for the transaction of business, but not less than 14 affirmative votes shall be required to elect the chancellor of the university system or a college or university president;

4 State College and University System; Authority of the Trustees; Name Change Inserted. Amend RSA 187-A:16, I to read as follows:

I. Appoint and fix the compensation of a president of the university of New Hampshire, a president of Keene state college, a president of Plymouth state college, and a [~~dean~~] **president** of the university system college for lifelong learning, who shall be the chief academic and administrative officers of their respective institutions. The chief executive officer of each institution shall have the authority for and be responsible for the general administration and supervision of all aspects of the institutional, research and service programs of that institution.

#### AMENDED ANALYSIS

This bill:

I. Changes the title of the dean of the college for lifelong learning to the president of the college for lifelong learning.

II. Adds the president of the college for lifelong learning to the university system board of trustees.

III. Increases from 13 to 14 the quorum required on the university system board of trustees.

**HB 1150**, relative to voter registration for official ballot meetings. OUGHT TO PASS

Rep. Jane A. Clemons for Election Law: This bill allows persons to register to vote at the polling place at official ballot meetings where persons may vote by absentee ballot. Vote 15-0.

**HB 1186**, extending the reporting date of the Sullivan county regional refuse disposal district issues study committee. OUGHT TO PASS

Rep. John G. Tuthill for Environment and Agriculture: This bill extends the reporting date of the committee studying issues pertaining to the Sullivan County Regional Refuse Disposal District. The committee shall report and make recommendations for legislation on or before November 1, 2000. Vote 15-0.

**HB 1175**, relative to license renewal for dental hygienists. OUGHT TO PASS

Rep. Syliva A. Holley for Executive Departments and Administration: This bill changes the year of license renewal for dental hygienists from even-numbered years to odd-numbered years. Presently, both dentists and dental hygienists are renewed in even numbered years. By changing hygienist license renewal to odd-numbered years, the board's workload would be more evenly distributed and the office more efficient. Vote 15-0.

**HB 1176**, relative to publication of notice of meetings of the joint health council. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: The Joint Health Council consists of representatives from the Board of Nursing, the Board of Pharmacy and the Board of Medicine who meet to determine and revise the drug formulary for advanced registered nurse practitioners. Given the importance of the council and the relationship between the board, it is appropriate to continue to post the notice of their meetings in the House and Senate calendars. Vote 15-0.

**HB 1223**, changing the name, amending the duties, and extending the reporting date of the committee to study the unclassified salary structure for state officers. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will continue the committee established by Chapter 203:3 of the 1999 session and extend the reporting date for the study of the unclassified study committee. The committee working with the Department of Administrative Services needs to be continued so that the completed study can be ready by late summer and legislation, if needed, can be drafted for the 2001 session. Vote 13-0.

**HB 1117-FN-A**, establishing a retail sales fee on alcoholic beverages. INEXPEDIENT TO LEGISLATE

Rep. O. Alan Thulander for Finance: At the request of the prime sponsor, the bill was withdrawn from legislative consideration. Vote 18-0.

**HB 1142**, establishing a study committee to evaluate the Medicaid "In and Out" Program. INEXPEDIENT TO LEGISLATE

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee heard testimony about the Medicaid "In and Out" program that is complicated by federal regulations regarding eligibility. The basic issue of explaining these qualifications seemed to be centered in one district office. The Health and Human Services Oversight Committee will be monitoring this program at future meetings. Vote 13-1.

**HB 1206**, extending the reporting date of the committee studying alcohol and drug abuse prevention. OUGHT TO PASS

Rep. Walter D. Ruffner for Health, Human Services and Elderly Affairs: This is an extremely important function and the committee is discovering abundant and relevant information that can be positive and a remedial benefit to those who are tragically affected by the abuse of drugs or alcohol. The members of the committee have asked for more time to materialize their findings and uncovering more information. Vote 11-0.

**HB 1256**, clarifying certain health care laws. OUGHT TO PASS

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: This bill relieves retired physicians from the quarterly task of filing ownership interests in medical service entities since there is no financial implications after retirement which would require disclosure under federal or state law. Vote 13-0.



**HB 1272**, allowing school nurses to possess and administer epinephrine for certain emergency treatment. OUGHT TO PASS

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: This bill would provide additional protection to schoolchildren, especially in cases of an anaphylactic shock emergency. This problem was of particular concern to school nurses who would be substantially relieved by the passage of this bill, which authorizes school nurses to possess the proper medication and equipment. Vote 14-0.

**HB 1301**, relative to regional appointments to the state committee on aging. OUGHT TO PASS WITH AMENDMENT

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The committee heard only testimony supporting this legislation which insures that there will be at least one member on the State Committee on Aging from each county. It also updates current legislation to reflect that the Division of Elderly and Adult Services of the Department of Health and Human Services and Elderly Affairs receives federal or other funds rather than the committee. Vote 14-0.

#### Amendment (3095h)

Amend the bill by replacing all after the enacting clause with the following:

1 Regional Representation on the State Committee on Aging. Amend RSA 161-F:7, I to read as follows:

1. There shall be a **state committee on aging** which shall consist of 18 members. The committee shall include the chairperson of the joint legislative committee on elderly affairs, one representative appointed by the speaker of the house, and one senator appointed by the senate president. Three members shall be appointed by the governor with the approval of the council from each of the 5 councilor districts established under RSA 662:2. *Those members appointed by the governor shall include at least one member from each county.* [~~The committee shall also include the chairman of the joint legislative committee on elderly affairs, one representative appointed by the speaker of the house, and one senator appointed by the president of the senate. Each of the members shall serve for a term of 3 years except the legislative members' terms shall be co-terminous with their 2-year legislative terms.~~] At least 8 members shall be 60 years of age or older at the time of their appointment, and not more than 8 members shall be of the same political party. Nine members shall constitute a quorum. *Each of the members shall serve for a term of 3 years, except the legislative members' times shall be co-terminous with their 2-year legislative terms.* No member shall serve more than 2 consecutive terms, and no member shall have a material financial interest in any agency receiving federal or other funds administered by the [~~committee~~] *division of elderly and adult services of the department of health and human services.*

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1325**, establishing a study committee to address smoking in motor vehicles. INEXPEDIENT TO LEGISLATE

Rep. Peter Batula for Health, Human Services and Elderly Affairs: Although well intentioned, the committee was totally convinced that this was an educational situation not a law enforcement situation. In addition, if a law were established/passed, enforcement would be next to impossible. In the opinion of the committee, the implied study committees' effort would be to make it a law enforcement issue. Vote 14-0.

**HB 1337**, repealing the New Hampshire foundation for mental health. OUGHT TO PASS

Rep. Joseph Manning for Health, Human Services and Elderly Affairs: The New Hampshire Foundation for Mental Health came into existence when the then, new NH hospital was first opened in the 1980's. The foundation board was charged with finding grant monies for programs at the hospital. Since the department did, and still does fine work in this regard, the Board ceased to meet nine years ago, but this "no longer necessary law" has never been taken off the books. The department concurs with our vote. Vote 13-1.

**HB 1379**, establishing a long-term care council. INEXPEDIENT TO LEGISLATE

Rep. Andre A. Martel for Health, Human Services and Elderly Affairs: This particular bill would establish a new council to oversee long-term care policies in the state. Oversight on this issue already exists in the Health and Human Services Oversight Committee. There is also, an existing 16-member Long Term Care Institute, which has a distinct interest in long term care in New Hampshire. Vote 14-0.

**HB 1394**, requiring physicians to conduct examinations of the entire colon for certain patients. INEXPEDIENT TO LEGISLATE

Rep. Walter Ruffner for Health, Human Services and Elderly Affairs: The committee deemed it inappropriate to legislate medical practices. The concerns of the sponsor of this bill are indeed understandable and the support of this practice of colonoscopies is highly noted. Vote 14-0.

**HB 1538-FN**, relative to coverage of treatment for periodontal disease for adults on medicare or medicaid. INEXPEDIENT TO LEGISLATE

Rep. Alphonse Haettenschwiler for Health, Human Services and Elderly Affairs: The committee had great sympathy for the problem that this proposed legislation seeks to address. The problem of dental care for low-income adults is a longstanding problem that certainly needs to be addressed, but in a much broader context than only non-surgical treatment of periodontal disease. The committee stands ready to review any proposed legislation that looks at the broad issue of dental care for adults under Medicaid. Also, as the budget for the biennium is set, any monies spent in this proposed program would have to come from existing programs that already may have limited funds. Vote 14-1.

**HB 1233**, relative to interest on judgments. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Rowe for Judiciary: Presently, interest is assessed on judgments under two separate statutes. The current law provides for accrual of interest from the commencement of the action until the entry of the verdict. Another law allows interest to be assessed after execution is taken. This bill consolidates the existing law and clears the ambiguity and provides continuity in assessing interest from the entry of the action until final tender. Vote 14-0.

#### Amendment (3109h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Simple Interest on Judgments. Amend the section heading and paragraph 1 of RSA 336:2 to read as follows:

336:2 Time of Effective Rate; *Accrual of Simple Interest.*

1. The rate paid on judgments shall be the rate in effect at the time the verdict is rendered or a finding for pecuniary damages is made, as certified by the clerk of court. *Simple interest on judgments shall be imposed from the date the action is commenced to the date the judgment is paid.*

2 Simple Interest on Executions in Civil Actions. Amend RSA 527:10 to read as follows:

527:10 Interest. Simple interest is payable on executions in civil actions ~~[from the time of judgment rendered]~~ *in a manner consistent with the provisions of RSA 336:2, 1.*

#### AMENDED ANALYSIS

This bill establishes that simple interest on judgments shall be imposed from the date the action is commenced to the date of payment of the judgment.

**HB 1477-FN-L**, relative to notification of public proceedings. INEXPEDIENT TO LEGISLATE

Rep. Terri C. Dudley for Judiciary: The committee felt that the notification laws and process now in place are working adequately. This bill has the potential to have substantial financial impact on all towns, counties and state governments. This raised Art. 28-A red flags. Further, the bill was drafted so specifically as to where a notice was to be posted that it just couldn't be applicable on a statewide basis. There was also a problem with daily, weekly and monthly newspaper notices. The committee felt that we should leave well enough alone. Vote 16-0.

**HB 1122**, relative to firewards. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have prohibited fire chiefs who were appointed by the firewards from, at the same time, being a fireward. Current law is the product of a study committee which approximately seven (7) years ago considered this subject thoroughly. Municipal and County Government found that passing this bill would affect the operations of fire departments in many communities in the state. Furthermore, municipalities already have the authority to enact this prohibition if they so choose. Vote 15-0.

**HB 1425-L**, relative to driveway permits. INEXPEDIENT TO LEGISLATE

Rep. William J. Kelley for Municipal and County Government: This bill would transfer the authority to issue driveway permits from Planning Boards to Boards of Selectmen and city

councils. The committee unanimously agreed that this authority should not be transferred and should continue to be where it belongs, with the Planning Board. Vote 16-0.

**HB 1141**, relative to access highways to public waters. OUGHT TO PASS

Rep. John R. Cloutier for Public Works and Highways: This bill would permit new boating access highways to be called Class III-a highways, to be laid out subject to the condition that they may not be maintained during the winter months. Also, such highways may be laid out subject to gates and bars or restricted to the accommodation of foot or vehicular traffic or both if federal funds are not used. Under the bill, Fish and Game Department's executive director may petition the Governor and Council to discontinue such highways. Finally, the bill also eliminates the requirement that refurbished service roads included in the statewide public boat access program be laid out as limited access facilities. The Public Water Access Advisory Board chair testified at the hearing that his board is in favor of the bill. Vote 14-0.

**HB 1245**, relative to notice of railroad construction projects. INEXPEDIENT TO LEGISLATE

Rep. Barbara L. Spear for Public Works and Highways: The existing procedures for rebuilding, modernization or maintenance projects for rail lines include working with the local community to keep the inconvenience to that community to a minimum. The incident in Wakefield, where the highway crossing was closed without notice by the railroad causing much disruption to the community, was unfortunate, but was an exception to the usual procedure. The committee was very concerned with this possible disregard for other forms of transportation other than railroads. We felt that these occurrences should be watched closely and will respond with legislation. Vote 14-0.

**HB 1566-FN**, relative to perambulation between states. OUGHT TO PASS

Rep. Barbara L. Spear for Public Works and Highways: Terminology for all the boundaries between New Hampshire and neighboring states should be the same. This bill recodifies old statutes and makes them gender neutral. Vote 14-0.

**HB 1287**, relative to the membership of the water council. OUGHT TO PASS

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This bill authorizes "designees" for ex-officio members of the Water Council and requires members of this Council to take an oath. This Council acts on Department of Environmental Services (DES) grants and loans, reviews administrative rules for water issues, decides appeals of DES orders among other responsibilities. Attendance is very important and consistency of representation from each of the five ex-officio members is essential for thorough review of all matters that come before the Council. There was no testimony opposed to this bill. Vote 15-0.

**HB 1306**, relative to boating on Sandogardy Pond in the town of Northfield. INEXPEDIENT TO LEGISLATE

Rep. David M. Lawton for Resources, Recreation and Development: This bill would ban petroleum-powered motor boats on the waters of Sandogardy Pond, an approximately (41) acre water body in the town of Northfield. Also, the bill would require that any fines collected as a result of the ban be paid to the town. There was significant local opposition to the ban including the board of selectmen of Northfield, as well as several shorefront property owners. Since the Department of Safety currently has in place a good hearing/approval process to impose such bans, the majority of the committee recommends that HB 1306 be voted inexpedient to legislate. Vote 14-1.

**HB 1386**, designating segments of the Souhegan River as protected under the rivers management and protection program. OUGHT TO PASS

Rep. Timothy D. O'Connell for Resources, Recreation and Development: Towns along the Souhegan River are experiencing continual development pressure. The nomination process received strong regional support, together with active involvement of numerous agencies, and associations. The acceptance of the Souhegan River into the Rivers Management Protection Program will result in greater community awareness and co-operation in managing this resource. Vote 15-0.

**HB 1161**, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws. OUGHT TO PASS

Rep. Robert H. Milligan for Transportation: This bill recommends technical corrections to New Hampshire State Aeronautics laws, with assistance of an appointed study committee. This bill is a request of the NH State Aeronautics Commission. Vote 15-0.



**HB 1353**, raising driver testing standards. **INEXPEDIENT TO LEGISLATE**

Rep. George A. LaPorte for Transportation: Since the prime sponsor has spoken to the Commissioner of the Department of Safety, they feel that they can improve testing within the Department of Safety. Vote 16-0.

**HB 1378**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. **OUGHT TO PASS**

Rep. George N. Katsakiores for Transportation: This bill establishes a task force to monitor the revitalization of the Newburyport, MA to Kittery, ME rail corridor. This rail service would provide economic benefit to the Seacoast area. The task force will cite the benefits to the Pease and Port Authorities with regards to commuter and tourist rail service, as well as economic benefit. The task force will report every six months to the Speaker of the House, the President of the Senate and the Governor. Vote 15-0.

**HB 1409**, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: With interest in developing a multi-modal transportation system in New Hampshire, with railroad advocates promoting the reintroduction of rail transportation in our state, a study committee would look at the most important corridor, from Lawrence, MA to Lebanon, NH. This is the first step in revitalization of the Boston to Montreal service. The study committee hopefully will report their findings positive, and provide the Legislature with a great deal of knowledge as to rail service restoration and its economic benefit to our state. Vote 15-0.

**Amendment (3052h)**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall evaluate potential ridership demand over the next 5 to 10 years, the costs associated with reestablishing the lines, the opportunities for private/public partnerships to assist in funding the project, and the interactions required between participating states. The committee shall work collaboratively with all geographically associated regional planning commissions.

**HB 1588**, relative to the authority of the department of transportation regarding rail safety inspections. **OUGHT TO PASS WITH AMENDMENT**

Rep. George N. Katsakiores for Transportation: This bill authorizes the Department of Transportation Commissioner to carry out railroad safety inspections as prescribed by the Secretary of Transportation under the authority of the Federal Railroad Safety Act of 1970. For railroad properties not subject to federal regulations, the Commissioner may adopt rules under RSA 541-A and carry out such inspections as are necessary to maintain safety within the state. Vote 15-0.

**Amendment (3117h)**

Amend RSA 367:55, I-II as inserted by section 2 of the bill by replacing it with the following:

I. For railroad properties within the state that are subject to federal regulation, the commissioner shall have the authority to participate in carrying out inspection activities in connection with any rule, regulation, order, or standard prescribed by the Secretary of Transportation of the United States under the authority of the Federal Railroad Safety Act of 1970, as amended, provided that the commissioner shall comply with all of the requirements imposed by federal law as a condition to such participation.

II. For railroad properties within the state that are not subject to federal regulation, the commissioner may adopt rules pursuant to RSA 541-A and in conformance with the Federal Railroad Safety Act of 1970, as amended, setting safety standards for signal and train control, motive power and equipment, operating practices, hazardous material handling, and track used in or constituting a part of such properties. The commissioner shall carry out such inspections as are necessary to maintain railroad safety within the state. If the commissioner finds any equipment or facilities to be unsafe, a proceeding shall be commenced as provided by law to develop an order for corrective action.

**HB 1167**, exempting certain dog trainers from the requirement of possessing a hunting license. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis F. Abbott for Wildlife and Marine Resources: It was agreed, by the sponsors and the Fish and Game Department, that the intent of this bill regarding the training of hunting dogs could and is being met by rulemaking pursuant to RSA 541-A. Therefore, the committee and the sponsors request that the bill be made Inexpedient To Legislate. Vote 13-0.

**HB 1225**, relative to the name of the department of fish and game. **OUGHT TO PASS**

Rep. Gene G. Chandler for Wildlife and Marine Resources: During the summer, the Fish and Game Department held hearings regarding possible name changes for the Department. Given that our deadline for filing bills was after the hearings were to conclude, and understanding the strong objections of sportsmen and sportswomen to changing the name of the Department, it was necessary to file a bill to ensure that the name remained the Fish and Game Department. While the hearings showed the strong public objection to a name change and the Fish and Game Commission voted to not recommend a change, all the sponsors and the Wildlife and Marine Resources Committee, by unanimous vote, concluded the bill should pass as written, thereby firmly establishing the traditional and long respected name, The Fish and Game Department. Vote 14-0.

**HB 1262-FN**, establishing a fly-fishing stamp for persons possessing a fishing license who wish to fly-fish in waters designated fly-fishing only. **INEXPEDIENT TO LEGISLATE**

Rep. Betsy McKinney for Wildlife and Marine Resources: The theory that fly-fishing is elitist prompted this legislation, however, testimony did not support this perception. Fish and Game Department uses fly-fishing to help maintain fish levels and conservation of smaller areas from overfishing, i.e. fly-fishermen don't catch as many fish as "bait" fishermen. Nothing prohibits any "bait" fisherman from becoming a fly-fisherman. Committee felt this legislation was unnecessary. Vote 11-2.

**HB 1455**, relative to residency requirements for persons over 68 possessing a special complimentary license to hunt, fish, or trap. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. L'Heureux for Wildlife and Marine Resources: The original bill dealt with special hunting, fishing and trapping licenses for persons over 68 and while the committee felt there was some merit in this concept, it became readily apparent that the bill created more problems than it would solve. The Fish and Game Department had come to the committee with a late request to have legislation passed to allow the Department to sell licenses electronically on the Internet with bonded agents. Even though the proposal was germane to the original license bill, the committee held a public hearing on the Department's idea and voted unanimously to support the amendment which replaces the original bill. Vote 14-0.

#### **Amendment (3094h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the authority of the fish and game department for the electronic issuance of licenses, permits, stamps, and tags.

Amend the bill by replacing all after the enacting clause with the following:

1 Issuance of Licenses; Section Heading Changed. Amend the section heading of RSA 214:7 to read as follows:

214:7 Issuance of Licenses; License Agents; *Electronic Issuance*.

2 New Paragraph; Electronic Issuance; Rulemaking. Amend RSA 214:7 by inserting after paragraph V the following new paragraph:

VI. The executive director may adopt rules pursuant to RSA 541-A for the electronic issuance of licenses, permits, stamps, and tags under the provisions of this title, by an agent or by the department. Any such rules may include procedures for verification of residency, the determination of sufficient proof of hunter education or other certification requirements, and any requirements of the licensee as to the use of the license, permit, stamp, or tag acquired electronically.

3 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill adds a rulemaking provision for the fish and game department on the electronic issuance of licenses, permits, stamps, and tags.

**HB 1604-FN-L**, establishing the position of state animal control officer. REFER FOR INTERIM STUDY

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill establishes the position of a statewide animal control officer to act as a resource for towns and cities, and accordingly, to provide technical backup. The committee feels that the legislation has merit, but the question of an unfunded mandate must be addressed and suitable funding found. Vote 14-0.

### REGULAR CALENDAR

**SB 147**, relative to self-referrals for chiropractic care under managed care organizations. OUGHT TO PASS WITH AMENDMENT

Rep. Martha Fuller Clark for Commerce: This bill was re-committed to the committee for a minor correction. The original committee amendment provided for a "maximum" of 12 direct access chiropractic visits under managed care for those plans that choose to sell a chiropractic benefit. The use of the term maximum had the potential of creating the unintended consequence of limiting those plans that presently allow for more than 12 direct access visits. To address this concern, the term "maximum" was removed. With the new committee amendment, the bill makes it clear that managed care plans can offer more than 12 annual direct access visits for chiropractic care if they choose to. In working on this legislation, the committee heard testimony in a hugely attended public hearing about current problems with managed care's inability to manage effectively chiropractic benefits. Many healthcare consumers claimed that they are being denied access to chiropractic care for which they have already purchased coverage. The amendment to SB 147 stipulates that managed care plans that already sell chiropractic benefits must allow 12 annual self-referral chiropractic visits before utilization review of treatment will be required. It also requires a doctor, after an initial consultation, must send documentation to the insurer and/or the primary care physician. A section of the Senate version would have required that insurers pay all chiropractic providers a comparable fee if they perform a comparable service. The Commerce Committee has substituted non-discrimination language instead, believing it to be the better solution. Vote 11-1.

### Amendment (3066h)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Chiropractic Care. Amend RSA 420-J by inserting after section 6-9 the following new section:

420-J:6-b Self-referrals for Chiropractic Care. A health benefit plan under this chapter offering chiropractic benefits shall provide benefits to a covered person who utilizes services of a chiropractic provider (doctor of chiropractic) by self-referral for 12 visits under the following conditions:

I. Unless otherwise provided for by the health benefits plan, self-referral visits shall not apply to wellness care visits.

II. A covered person may utilize the services of a doctor of chiropractic as defined in RSA 316-A, without discrimination relative to access and fees, subject to the terms and conditions of the policy.

III. The health benefit plan shall fully disclose to the certificate holder in clear and understandable language the exact terms and conditions of each option that the certificate holder has purchased along with the co-payments or other cost-sharing features of each option.

IV. Within 10 working days of the first visit or consultation, the doctor of chiropractic shall send to the health benefit plan, or its designee, the chiropractic case findings. This shall be sufficient documentation for the initial 12 visits.

V. After 12 self-referral visits, a covered person who is continuing chiropractic care may be subject to utilization review from the health plan, or its designee, for the purpose of continued care. A provider of the same specialty shall be consulted when making any utilization review determination under this section.

VI. If the chiropractic provider recommends care beyond 12 visits, the participating doctor of chiropractic shall send to the insurer, or its designee, documentation containing information on the covered person's progress and necessity of care as well as a care plan for extended chiropractic care. The care recommendation shall be deemed authorized if the health benefit plan does not respond to the care recommendation within 7 business days. If the doctor of chiropractic fails to provide the required documentation, the insured or its covered person shall not be liable to the chiropractic provider for any unpaid fees.



VII. The covered person shall retain the right to choose chiropractic care on an elective, self-pay, fee-for-service basis; no entity regulated under this chapter shall prohibit a doctor of chiropractic from continuing care on an elective, self-pay, fee for service basis.

VIII. Nothing in this section is intended to limit the health plan's ability to credential providers or structuring with network providers.

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted the necessary two-thirds.

Report adopted and ordered to third reading by the necessary two-thirds.

### CLERK'S NOTE

The Constitutionally required two-thirds of the membership was declared present.

### REGULAR CALENDAR (CONT'D.)

**HB 1197**, encouraging school districts to offer instruction on the causes and effects of the Great Irish Hunger. **INEXPEDIENT TO LEGISLATE**

Rep. Russell Cox for Education: It should not be the duty of the Legislature to dictate curriculum, nor should we single out one immigrant group or its motivation. The contributions and success of each immigrant group should be celebrated and not the disaster that may have driven them to this country. Vote 13-2.

Rep. John White spoke against.

Rep. Cox spoke in favor.

Rep. McCarthy spoke against and yielded to questions.

Rep. Hoadley spoke in favor and yielded to questions.

Rep. McCarthy requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 224 NAYS 108

#### YEAS 224

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James

Boriso, Thomas  
Johnson, James  
Rice, Thomas

Boyce, Robert  
Lawton, David  
Thomas, John

Czech, Stanley  
Millham, Alida  
Wendelboe, Francine

#### CARROLL

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry  
Torresen, Gary

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

#### CHESHIRE

Avery, Stephen  
Meador, David  
Rose, William

Blaisdell, Michael  
Pratt, Irene  
Smith, Edwin

Burnham, Daniel  
Roberts, William  
Zerba, Roger

Hunt, John  
Robertson, Timothy

#### COOS

Davis, Perley  
Pratt, Leighton

Gallus, John  
Tholl, John Jr

Landers, Dana

Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Dudley, Terri  
MacNeil, Allen  
Picconi, Al  
Weber, Phil

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Scanlan, David

Almy, Susan  
Hall, David  
Mirski, Paul  
Solow, Martha

Densmore, Jessica  
Harmon, Hobart  
Phinney, William  
Ward, Brien

#### HILLSBOROUGH

Alukonis, David  
Batula, Peter

Andrews, Frederick  
Beaupre, Roland

Arnold, Thomas Jr  
Belvin, William

Arthur, Rose  
Bergin, Peter



Brundige, Robert  
 Chabot, Robert  
 Daniels, Gary  
 Dyer, Merton  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Holley, Sylvia  
 L'Heureux, Robert  
 Lessard, Rudy  
 McRae, Karen  
 Moran, Edward  
 O'Hearn, Jane  
 Rowe, Robert  
 Wall, Nancy

Bruno, Pierre  
 Christiansen, Lars  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Franks, Suzan  
 Hansen, Herbert  
 Hunter, Bruce  
 LaRose, Richard  
 Lozeau, Donnalee  
 Melcher, Harold  
 Mosher, William  
 Perkins, Paul  
 Sarette, John  
 White, Donald

Calawa, Leon Jr  
 Coughlin, Pamela  
 Drabinowicz, A Theresa  
 Fletcher, Richard  
 Gagnon, Eugene  
 Herman, Keith  
 Jean, Claudette  
 Lefebvre, Roland  
 MacGillivray, Jeffrey  
 Mercer, Robert  
 Nolan-Piteri, Dawn  
 Peterson, Andrew  
 Sargent, Maxwell  
 Withee, Dennis

Carlson, Donald  
 Dalianis, Griffin  
 Durham, Susan  
 Flora, Kathleen  
 Ginsburg, Ruth  
 Herman, Richard  
 Kurk, Neal  
 Leishman, Peter  
 Martel, Andre  
 Messier, Irene  
 O'Connell, Timothy  
 Reeves, Sandra  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 Davis, Francis  
 Hoadley, Elizabeth  
 Lavoie, Gerard  
 Maxfield, Roy  
 Rodd, Beth  
 Whalley, Michael

Brewster, Richard  
 Feuerstein, Martin  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Moore, Carol  
 Seldin, Gloria

Chase, George  
 Gile, Mary  
 Langer, Ray  
 Marple, Richard  
 Potter, Frances  
 Soltani, Tony

Crosby, Toni  
 Hager, Elizabeth  
 Larrabee, David Sr  
 Marshall, Kenneth  
 Poulin, Dave  
 Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
 Cox, Russell  
 Dowling, Patricia  
 Flanders, David  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Norelli, Terie  
 Pitts, Jacqueline  
 Ruffner, Walter  
 Stritch, C Donald  
 Weare, Everett

Beaulieu, Jon  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, John Sr  
 Grant, Kenneth  
 Katsakiores, George  
 Langone, John  
 Mikowski, Walter  
 Nowe, Mary Lou  
 Putnam, Ed II  
 Sapareto, Frank  
 Tufts, J Arthur  
 Welch, David

Case, Margaret  
 Dearborn, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Moore, Benjamin  
 Nowe, Ronald  
 Quandt, Marshall  
 Stickney, Nancy  
 Varrell, Thomas  
 Whittier, John

Clark, Vivian  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Hutchinson, Rebecca  
 Kelley, William  
 Lovejoy, Marian  
 Morse, Charles  
 Packard, Sherman  
 Rubin, George  
 Stone, Joseph  
 Vaughn, Charles  
 Zolla, William

### STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Keans, Sandra  
 Musler, George  
 Snyder, Clair  
 Wall, Janet

Bickford, David  
 Estabrook, Iris  
 Lent, Donald  
 Pelletier, Arthur  
 Spang, Judith  
 Woods, Phyllis

Cossette, Larry  
 Gilmore, Gary  
 Lundborn, Raymond  
 Rollo, Michael  
 Spear, Barbara

Domingo, Baldwin  
 Grassie, Anne  
 McKinley, Robert  
 Smith, Marjorie  
 Vincent, Francis

### SULLIVAN

Allison, David  
 Robb-Theroux, Amy

Jones, Constance  
 Young, David

Kibbey, David

Leone, Richard

### NAYS 108

### BELKNAP

Rosen, Ralph

Salatiello, Thomas

Wood, Jane

### CARROLL

Kenney, Joseph

**CHESHIRE**

Batchelder, Robert	DePecol, Benjamin	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Russell, Ronald

**COOS**

Mears, Edgar

**GRAFTON**

Brothers, Richard	Copenhaver, Marion	Guest, Robert	Hinman, Harry
Nordgren, Sharon			

**HILLSBOROUGH**

Ahern, Richard	Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dwyer, Paul Sr
Fenton, James	Fields, Dennis	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarthy, William
McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr	McGough, Tim
Mendenhall, Leslie	Milligan, Robert	Moriarty, Mary	Murphy, Robert
Pappas, Marc	Pepino, Leo	Reidy, Frank	Tate, Joan
Turgeon, Roland	Vaillancourt, Steve	White, John	

**MERRIMACK**

Bouchard, Candace	Daneault, Gabriel	Fortnam, Janet	French, Barbara
Kennedy, Richard	Owen, Derek	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Belanger, Ronald	Clark, Martha	Cooney, Richard	Griffin, Mary
Kane, Cecelia	Langley, Jane	Noyes, Richard	O'Neil, Michael
Pantelakos, Laura	Raynowska, Bernard	Schanda, Frank	Shultis, Elizabeth
Splaine, James	Weatherspoon, Jackie	Weyler, Kenneth	

**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Johnson, Nancy	Knowles, William	Rogers, Rose Marie	Twardus, Joseph
Vachon, Dennis			

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Phinizy, James
Tuthill, John	Wiggins, Celestine		

and the report was adopted.

**REMARKS**

Alan Keyes, Republican candidate for President, addressed the House.

**SPECIAL ORDER**

**CACR 10**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: This CACR was originally introduced as a companion piece to HB 108, a statewide property tax, which was a fiscal response to the *Claremont II* decision. It is narrowly crafted to dedicate all statewide property tax money to be placed in the education trust fund, to be spent exclusively for elementary and secondary education.

The committee believes that, given the fluid legal status of the statewide property tax, a dedicated statewide property tax constitutional amendment may prove to be a hindrance and be overtaken by events in addressing the *Claremont II* decision. Also, future legislatures may need flexibility in addressing health care, or postsecondary higher education, or other material issues where a statewide property tax may have multiple roles in a re-aligned state budget. Other questions remained about apparent conflicts in the bill's references to "... education funding ..." and what would happen if the statewide property tax raised more money than required for an adequate education, so the committee voted Inexpedient to Legislate. Vote 21-0.

Rep. Sapareto spoke against and yielded to questions.

Reps. Vaughn and Kurk spoke in favor.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 245 NAYS 92

### YEAS 245

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Lawton, David	Pilliod, James	Rice, Thomas	Rosen, Ralph
Salatiello, Thomas	Thomas, John	Wendelboe, Francine	Wood, Jane

#### CARROLL

Babson, David Jr	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey		

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Rose, William
Smith, Edwin	Zerba, Roger		

#### COOS

Davis, Perley	Gallus, John	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Gilman, G Michael
Guest, Robert	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Scanlan, David
Solow, Martha	Ward, Brien	Weber, Phil	

### HILLSBOROUGH

Ahern, Richard	Alukonis, David	Arnold, Thomas Jr	Arthur, Rose
Batula, Peter	Beaupre, Roland	Belvin, William	Bergin, Peter
Brundige, Robert	Buckley, Raymond	Burkush, James	Calawa, Leon Jr
Chabot, Robert	Clegg, Robert Jr	Cote, David	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Linda	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse
Herman, Keith	Herman, Richard	Hunter, Bruce	Jean, Claudette
Jean, Loren	Johnson, Lionel	Konys, Christine	Kurk, Neal
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey

Martel, Andre  
McDonald, James Sr  
Messier, Irene  
O'Hearn, Jane  
Reidy, Frank  
Thulander, O Alan

Martin, Mary  
McGough, Tim  
Milligan, Robert  
Pappas, Marc  
Rowe, Robert  
Turgeon, Roland

McCarthy, William  
Melcher, Harold  
Moran, Edward  
Pepino, Leo  
Sarette, John  
Vaillancourt, Steve

McCarty, Winston  
Mercer, Robert  
Mosher, William  
Peterson, Andrew  
Sargent, Maxwell  
Withee, Dennis

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Gile, Mary  
Kennedy, Richard  
Marshall, Kenneth  
Potter, Frances  
Wallin, Jean  
Yeaton, Charles

Brewster, Richard  
Feuerstein, Martin  
Hager, Elizabeth  
Larrabee, David Sr  
Maxfield, Roy  
Reardon, Tara  
Wallner, Mary Jane

Chase, George  
Fortnam, Janet  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Moore, Carol  
Rodd, Beth  
Whalley, Michael

Crosby, Toni  
French, Barbara  
Jacobson, Alf  
Marple, Richard  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew Jr  
Dalrymple, Janeen  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Langone, John  
Norelli, Terie  
O'Neil, Michael  
Ruffner, Walter  
Stritch, C Donald  
Weatherspoon, Jackie  
Zolla, William

Arndt, Janet  
Clark, Martha  
Dearborn, Bruce  
Flanagan, Natalie  
Gibbons, Paul  
Johnson, Robert  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Schanda, Frank  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Clark, Vivian  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Kelley, William  
Mikowski, Walter  
Nowe, Ronald  
Putnam, Ed II  
Shultis, Elizabeth  
Vaughn, Charles  
Weyler, Kenneth

Case, Margaret  
Cooney, Richard  
Downing, Michael  
Flanders, John Sr  
Grant, Kenneth  
Kobel, Rudolph  
Morse, Charles  
Noyes, Richard  
Reardon, Neil  
Stone, Joseph  
Weare, Everett  
Whittier, John

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Grassie, Anne  
Lundborn, Raymond  
Smith, Marjorie  
Vachon, Dennis

Bickford, David  
Domingo, Baldwin  
Johnson, Nancy  
McKinley, Robert  
Snyder, Clair  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Keans, Sandra  
Musler, George  
Spang, Judith  
Wall, Janet

Callaghan, Frank  
Estabrook, Iris  
Knowles, William  
Rollo, Michael  
Twardus, Joseph  
Woods, Phyllis

### SULLIVAN

Allison, David  
Tuthill, John

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Robb-Theroux, Amy

### NAYS 92

### BELKNAP

Czech, Stanley

Johnson, James

Millham, Alida

### CARROLL

Bradley, Jeb  
Torresen, Gary

Dickinson, Howard

Philbrick, Donald

Sullivan, P Judith

### CHESHIRE

Blaisdell, Michael  
Russell, Ronald

Lynott, Margaret

Manning, Joseph

Pratt, John

### COOS

Landers, Dana



**GRAFTON**

Hall, David	Ham, Bonnie	Johnson, Gary	Phinney, William
Picconi, Al			

**HILLSBOROUGH**

Andrews, Frederick	Baroody, Benjamin	Bergeron, Lucien	Bruno, Pierre
Carlson, Donald	Christiansen, Lars	Clemons, Jane	Cote, Peter
Curran, James	Desmarais, Vivian	Dwyer, Paul Sr	Fletcher, Richard
Franks, Suzan	Gorman, Mary	Hall, Betty	Hansen, Herbert
Holley, Sylvia	Keye, Harvey	L'Heureux, Robert	Leonard, Peter
Lynde, Harold	McColgan, Philip Jr	McRae, Karen	Mendenhall, Leslie
Moriarty, Mary	Murphy, Robert	O'Connell, Timothy	Perkins, Paul
Reeves, Sandra	Tate, Joan	Wall, Nancy	White, Donald
White, John			

**MERRIMACK**

Bouchard, Candace	Davis, Francis	Langer, Ray	Lavoie, Gerard
Poulin, Dave	Soltani, Tony	Virtue, Carolyn	

**ROCKINGHAM**

Beaulieu, Jon	Cox, Russell	DiFruscia, Anthony	Hutchinson, Karen
Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Letourneau, Robert	Lovejoy, Marian	Moore, Benjamin
Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall	Raynowska, Bernard
Sapareto, Frank	Splaine, James	Stickney, Nancy	Varrell, Thomas

**STRAFFORD**

Brown, George	DeChane, Marlene	Gilmore, Gary	Lent, Donald
Pelletier, Arthur	Rogers, Rose Marie	Spear, Barbara	

**SULLIVAN**

Donovan, Thomas Jr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Young, David		

and the report was adopted.

Rep. Nolan-Piteri did not vote and wished to be recorded in favor.

### **HB 1211**, establishing a committee to study the health effects of child immunizations. **INEXPEDIENT TO LEGISLATE**

Rep. Robert Chabot for Health, Human Services and Elderly Affairs: The committee heard testimony from a number of citizens expressing concern about potential adverse reactions from certain vaccines/immunizations. This proposed legislation would have established a study committee to look into these matters. Representatives from the Department of Health and Human Services and the New Hampshire Public Health Association pointed out that these issues are being investigated in great detail at the federal level i.e. the Center for Disease Control and the Institute of Medicine. The committee felt that this legislative committee would not have the expertise required to deal with the concerns expressed and would be duplicating efforts in process at national and international levels and declared the bill ITL. Vote 11-3.

Adopted.

**SPECIAL ORDER**

**CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill was studied by a subcommittee this summer. The subcommittee and a majority of the full committee felt that this bill was not good for the judicial process or for the retention of competent judges. The prospect of having to undergo a reappointment process could interject the political process into decision-making by a judge and the commit-

tee feels that judicial decisions must be made as independently as possible. Further, it would be difficult for top grade candidates to give up a law practice to sit as a judge knowing that they may be out of work in seven years just at the time when they may be facing family student tuition and other personal expenses. Vote 13-3.

Reps. Buckley, Loren Jean, and Welch spoke against and yielded to questions.

Rep. Craig spoke in favor and yielded to questions.

Reps. Rowe and Mock spoke in favor.

Rep. Herman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 194 NAYS 144

### YEAS 194

#### BELKNAP

Holbrook, Robert	Millham, Alida	Pilliod, James	Rice, Thomas
Wood, Jane			

#### CARROLL

Babson, David Jr	Kenney, Joseph	Mock, Henry	Philbrick, Donald
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#### CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		

#### COOS

Davis, Perley	Mears, Edgar
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#### GRAFTON

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Nordgren, Sharon	Picconi, Al	Solow, Martha	

#### HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Bergin, Peter	Burkush, James	Carlson, Donald	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dawe, Eileen	Desmarais, Vivian
Dokmo, Cynthia	Drabinowicz, A Theresa	Dwyer, Paul Sr	Dyer, Merton
Fields, Dennis	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lessard, Rudy	Lynde, Harold	MacGillivray, Jeffrey
McCarthy, William	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Murphy, Robert	O'Connell, Timothy
O'Hearn, Jane	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Rowe, Robert	Sarette, John	Simon, Anthony	Turgeon, Roland
White, John	Withee, Dennis		

#### MERRIMACK

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth

Jacobson, Alf  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

Maxfield, Roy  
Poulin, Dave  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Cooney, Richard  
Gibbons, Paul  
Johnson, Robert  
Langone, John  
O'Neil, Michael  
Sapareto, Frank  
Stritch, C Donald  
Whittier, John

Case, Margaret  
Downing, Michael  
Grant, Kenneth  
Kane, Cecelia  
Lovejoy, Marian  
Pantelakos, Laura  
Shultis, Elizabeth  
Tufts, J Arthur  
Zolla, William

Christie, Andrew Jr  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, George  
Norelli, Terie  
Pitts, Jacqueline  
Splaine, James  
Vaughn, Charles

Clark, Martha  
Francoeur, Sheila  
Hutchinson, Rebecca  
Kobel, Rudolph  
Noyes, Richard  
Ruffner, Walter  
Stone, Joseph  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brennan, William  
Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Callaghan, Frank  
Grassie, Anne  
Lent, Donald  
Rollo, Michael  
Spear, Barbara  
Wall, Janet

Domingo, Baldwin  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Twardus, Joseph

### SULLIVAN

Allison, David  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

Leone, Richard  
Wiggins, Celestine

### NAYS 144

### BELKNAP

Bartlett, Gordon  
Johnson, James  
Thomas, John

Boriso, Thomas  
Lawton, David  
Wendelboe, Francine

Boyce, Robert  
Rosen, Ralph

Czech, Stanley  
Salatiello, Thomas

### CARROLL

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Sullivan, P Judith

Dickinson, Howard  
Torresen, Gary

Lyman, L Randy

### CHESHIRE

Avery, Stephen  
Smith, Edwin

Hunt, John

Roberts, William

Rose, William

### COOS

Gallus, John  
Tholl, John Jr

Landers, Dana

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Gilman, G Michael  
Mirski, Paul  
Weber, Phil

Alger, John  
Hall, David  
Phinney, William

Brothers, Richard  
Harmon, Hobart  
Scanlan, David

Dudley, Terri  
Hinman, Harry  
Ward, Brien

### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Buckley, Raymond  
Clegg, Robert Jr

Baroody, Benjamin  
Bergeron, Lucien  
Calawa, Leon Jr  
Daniels, Gary

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Desrosiers, William

Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Durham, Susan

Emerton, Lawrence	Fenton, James	Fletcher, Richard	Flora, Kathleen
Gagnon, Eugene	Gorman, Mary	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kurk, Neal
LaPorte, George	Lefebvre, Roland	Leonard, Peter	Lozeau, Donnalee
Martel, Andre	Martin, Mary	McGough, Tim	McRae, Karen
Milligan, Robert	Mosher, William	Nolan-Piteri, Dawn	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy	White, Donald

### MERRIMACK

Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Marple, Richard	Soltani, Tony	Virtue, Carolyn
Whalley, Michael			

### ROCKINGHAM

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Clark, Vivian
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Fesh, Robert	Flanders, David	Flanders, John Sr
Gleason, John	Hutchinson, Karen	Katsakiores, Phyllis	Kelley, William
Langley, Jane	Letourneau, Robert	Major, Norman	Mikowski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Rubin, George	Schanda, Frank	Stickney, Nancy
Varrell, Thomas	Weare, Everett	Welch, David	Weyler, Kenneth

### STRAFFORD

Bickford, David	Brown, George	Cossette, Larry	DeChane, Marlene
Gilmore, Gary	McKinley, Robert	Musler, George	Woods, Phyllis

### SULLIVAN

Jones, Constance	Kibbey, David	Young, David
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and the report was adopted.

Reps. Burling and Dalianis declared conflicts of interest and did not participate.

### REGULAR CALENDAR (CONT'D.)

**HB 1448**, relative to the partition of real property. **OUGHT TO PASS WITH AMENDMENT**  
Rep. John M. Pratt for Judiciary: This bill changes the existing probate law which essentially removes the appointment of a 3 person committee to oversee the partition of property where there is no agreement by the parties to the partition, and give the powers of that committee to the probate judge. The amended bill will also alleviate a petitioner from the cost of payment for a 3-person board. Overall, this will expedite the "petition to partition" process – a goal of the bill's sponsor.  
Vote 13-3.

### Amendment (3155h)

Amend the bill by replacing all after the enacting clause with the following:

1 Quiet Title. Amend RSA 547:11-c to read as follows:

547:11-c Quiet Title. An action may be brought in probate court by any person claiming title to, or any interest in, real or personal property, or both, *in partition under RSA 547-C*, listed in the estate of a deceased person or listed as guardianship, conservatorship, or trust assets over which the probate court has jurisdiction, against the estate, guardian, conservator, or trustee who may claim to own the same, either in fee, for years, for life or in reversion or remainder, or to have any interest in the same, or any lien or encumbrance thereon, adverse to the plaintiff, or in whom the land records disclose any interest, whether or not the plaintiff is entitled to the immediate or exclusive possession of such property, for the purpose of determining such adverse estate, interest or claim, and to clear up all doubts and disputes and to quiet and settle the title to the same. In any action brought under this provision, where applicable, the procedure set forth in RSA 498:5-b through 5-d shall be followed.



2 Judgment for Partition; Quieting Title. RSA 547-C:11 is repealed and reenacted to read as follows:

547-C:11 Judgment for Partition. If the issue is determined in favor of the petitioner, or if after notice the petitionee does not appear, or if no sufficient objection is made, the court shall render judgment that partition be made, and shall by decree set off and assign to and among the petitioner and/or petitionee their shares according to their respective rights, titles, or interests, and award costs, as the court deems equitable and just. In so doing, with an appropriate pleading, the court may also quiet title in discharge or extinguishment of any right, title, or interest that may otherwise unlawfully or inequitably encumber or burden the real estate as fully and completely as a court of general equity may do. The court shall make such partition as it decrees by metes and bounds or other distinct description. The partition shall be recorded at the registry of deeds for the county where the real estate lies.

3 Procedure. Amend RSA 547-C:21 to read as follows:

547-C:21 Procedure. If on the hearing no sufficient objection appears, ~~[the judge shall cause partition to be made by a committee, who shall be appointed, be sworn, give notice and proceed, and]~~ the court shall appoint guardians or agents for all minors or persons incapacitated, and agents for all persons unknown or out-of ~~[the]~~-state, interested in ~~[such]~~ the estate, ~~[receive and accept the report of such committee,]~~ and render judgment and award costs thereon, in the manner prescribed in this chapter.

4 Division with Consent. Amend RSA 547-C:22 to read as follows:

547-C:22 Division With Consent. Whenever an estate is so situated that it cannot be divided so as to give each owner his or her share of the estate without great prejudice or inconvenience, the whole or a part of the estate may be assigned, if the parties consent, to one of them, the assignee paying to the others who have less than their share such sums as the ~~[committee]~~ court shall award.

5 Sale. Amend RSA 547-C:25 to read as follows:

547-C:25 Sale. When the proceedings are pending, if it is alleged in the petition that the estate is so situated that it cannot be divided so as to give each owner his or her share of the estate without great prejudice or inconvenience and the court so finds, ~~[or if, upon the report of the committee that the estate is of the nature aforesaid, the court so finds,]~~ the court may order it to be sold and the proceeds from the sale to be divided among the owners according to their respective *rights*, titles, *or interests*, and may make all other orders that may be necessary to cause such sale and the distribution of the proceeds, as a court of equity may do in like cases.

6 Repeal. The following are repealed:

- I. RSA 547-C:12, relative to oath; notice.
- II. RSA 547-C:13, relative to publication of notice.
- III. RSA 547-C:14, relative to setoff; report.
- IV. RSA 547-C:15, relative to judgment; record.
- V. RSA 547-C:16, relative to costs.
- VI. RSA 547-C:23, relative to non-assent.
- VII. RSA 547-C:24, relative to recommitment.

7 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill clarifies the procedure for partition of real property where unlawful or inequitable encumbrances affect the effort to quiet title.

Adopted.

Report adopted and ordered to third reading.

**HB 1397**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: The effect of this bill is to name a currently unnamed State owned island on Lake Winnepesaukee in Ambrose Cove. The island may be named "Children's Island", or any other name deemed suitable by the town, in memory and tribute to a family's deceased child who enjoyed playing on the island with her friends. Vote 16-0. Adopted and ordered to third reading.

**HCR 25**, opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry. OUGHT TO PASS WITH AMENDMENT

Rep. Michael W. Downing for Resources, Recreation and Development: HCR 25, as amended, directs our Congressional Delegation to continue to support management of the White Mountain National Forest for multiple uses as part of the National Forest System. Further, it expresses the legislature's opposition to restricting the Timber base outside of the Forest Planning Process. The primary objection to the Executive Order is the circumvention of the present collaborative planning process that has involved New Hampshire citizens in decisions about the uses in the White Mountain National Forest. HCR 25 calls on the president to rescind his unilateral decree and allow the Forest Planning Process on the White Mountain National Forest to go forward unimpeded. Vote 15-0.

### **Amendment (3131h)**

Amend the resolution by replacing the sixth paragraph after the title with the following:

Whereas, the President of the United States has announced sweeping new regulations that will permanently remove from the timber base up to 40,000 acres of productive land in the White Mountain National Forest; and

Adopted.

Rep. Scanlan spoke in favor and yielded to questions.

Rep. Scanlan requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### **YEAS 269 NAYS 62**

#### **YEAS 269**

##### **BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Rice, Thomas	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Wendelboe, Francine	Wood, Jane		

##### **CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

##### **CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Hunt, John
Manning, Joseph	McGuirk, Paul	Meador, David	Pratt, Irene
Pratt, John	Roberts, William	Rose, William	Smith, Edwin
Zerba, Roger			

##### **COOS**

Davis, Perley	Gallus, John	Landers, Dana	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	

##### **GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Densmore, Jessica	Dudley, Terri	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil

##### **HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Dalianis, Griffin

Daniels, Gary  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Flora, Kathleen  
 Goley, Jeffrey  
 Holley, Sylvia  
 Johnson, Lionel  
 LaPorte, George  
 Leonard, Peter  
 MacGillivray, Jeffrey  
 McCarty, Winston  
 McRae, Karen  
 Milligan, Robert  
 O'Connell, Timothy  
 Perkins, Paul  
 Sarette, John  
 Thulander, O Alan  
 White, Donald

Dawe, Eileen  
 Drabinowicz, A Theresa  
 Fenton, James  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Hunter, Bruce  
 Keye, Harvey  
 LaRose, Richard  
 Lessard, Rudy  
 Martel, Andre  
 McColgan, Philip Jr  
 Melcher, Harold  
 Moran, Edward  
 O'Hearn, Jane  
 Peterson, Andrew  
 Sargent, Maxwell  
 Turgeon, Roland  
 Withee, Dennis

Desmarais, Vivian  
 Durham, Susan  
 Fields, Dennis  
 Franks, Suzan  
 Hansen, Herbert  
 Jean, Claudette  
 Konys, Christine  
 Lefebvre, Roland  
 Lozeau, Donnalee  
 Martin, Mary  
 McDonald, James Sr  
 Mercer, Robert  
 Mosher, William  
 Pappas, Marc  
 Reeves, Sandra  
 Simon, Anthony  
 Vaillancourt, Steve

Desrosiers, William  
 Dyer, Merton  
 Fletcher, Richard  
 Gagnon, Eugene  
 Herman, Keith  
 Jean, Loren  
 Kurk, Neal  
 Leishman, Peter  
 Lynde, Harold  
 McCarthy, William  
 McGough, Tim  
 Messier, Irene  
 Nolan-Piteri, Dawn  
 Pepino, Leo  
 Rowe, Robert  
 Tate, Joan  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Crosby, Toni  
 Fortnam, Janet  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Moore, Carol  
 Virtue, Carolyn

Bouchard, Candace  
 Daneault, Gabriel  
 Hager, Elizabeth  
 Langer, Ray  
 Marple, Richard  
 Poulin, Dave  
 Whalley, Michael

Brewster, Richard  
 Davis, Francis  
 Hoadley, Elizabeth  
 Larrabee, David Sr  
 Marshall, Kenneth  
 Rodd, Beth  
 Whittemore, James

Chase, George  
 Feuerstein, Martin  
 Jacobson, Alf  
 Lavoie, Gerard  
 Maxfield, Roy  
 Soltani, Tony

### ROCKINGHAM

Abbott, Dennis  
 Case, Margaret  
 Dearborn, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Nowe, Mary Lou  
 Putnam, Ed II  
 Rubin, George  
 Splaine, James  
 Varrell, Thomas  
 Whittier, John

Arndt, Janet  
 Clark, Vivian  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Langone, John  
 Mikowski, Walter  
 Noyes, Richard  
 Quandt, Marshall  
 Ruffner, Walter  
 Stickney, Nancy  
 Weare, Everett  
 Zolla, William

Beaulieu, Jon  
 Cooney, Richard  
 Dowling, Patricia  
 Flanders, David  
 Gleason, John  
 Hutchinson, Rebecca  
 Kelley, William  
 Letourneau, Robert  
 Moore, Benjamin  
 O'Neil, Michael  
 Raynowska, Bernard  
 Sapareto, Frank  
 Stritch, C Donald  
 Welch, David

Belanger, Ronald  
 Cox, Russell  
 Downing, Michael  
 Flanders, John Sr  
 Grant, Kenneth  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Morse, Charles  
 Packard, Sherman  
 Reardon, Neil  
 Schanda, Frank  
 Tufts, J Arthur  
 Weyler, Kenneth

### STRAFFORD

Bickford, David  
 Domingo, Baldwin  
 Lundborn, Raymond  
 Rollo, Michael  
 Vincent, Francis

Callaghan, Frank  
 Dunlap, Patricia  
 McKinley, Robert  
 Spang, Judith  
 Wall, Janet

Cossette, Larry  
 Johnson, Nancy  
 Musler, George  
 Spear, Barbara  
 Woods, Phyllis

DeChane, Marlene  
 Keans, Sandra  
 Pelletier, Arthur  
 Vachon, Dennis

### SULLIVAN

Burling, Peter  
 Leone, Richard

Cloutier, John  
 Young, David

Jones, Constance

Kibbey, David

## NAYS 62 BELKNAP

Pilliod, James

## CARROLL

None

## CHESHIRE

Burnham, Daniel  
Lynott, Margaret  
Robertson, Timothy

DePecol, Benjamin  
Mitchell, McKim  
Russell, Ronald

Lerandeau, Alfred  
Richardson, Barbara

Lynch, Margaret  
Riley, William

## COOS

None

## GRAFTON

Copenhaver, Marion

Guest, Robert

Johnson, Gary

Solow, Martha

## HILLSBOROUGH

Clemons, Jane  
Garrish, Linda  
Herman, Richard  
Murphy, Robert

Cote, David  
Ginsburg, Ruth  
Lasky, Bette  
Reidy, Frank

Curran, James  
Gorman, Mary  
Mendenhall, Leslie  
White, John

Dwyer, Paul Sr  
Hall, Betty  
Moriarty, Mary

## MERRIMACK

French, Barbara  
Reardon, Tara  
Yeaton, Charles

Gile, Mary  
Seldin, Gloria

Owen, Derek  
Wallin, Jean

Potter, Frances  
Wallner, Mary Jane

## ROCKINGHAM

Clark, Martha  
Pitts, Jacqueline

Kane, Cecelia  
Shultis, Elizabeth

Norelli, Terie  
Vaughn, Charles

Pantelakos, Laura  
Weatherspoon, Jackie

## STRAFFORD

Berube, Roger  
Grassie, Anne  
Smith, Marjorie

Brennan, William  
Knowles, William  
Snyder, Clair

Brown, George  
Lent, Donald  
Twardus, Joseph

Estabrook, Iris  
Rogers, Rose Marie

## SULLIVAN

Donovan, Thomas Jr

Phinizy, James

Tuthill, John

Wiggins, Celestine

and the report was adopted.

Ordered to third reading.

## MOTION TO SPECIAL ORDER

Reps. Chandler and Burling moved that the bills removed from the Consent Calendar, HCR 29, HB 1198, CACR 35, HB 1263, HB 1486 and HB 1290, be made Special Orders for the first order of business on Thursday, February 3, 2000.

Adopted.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 3, 2000 at 10:00 a.m.

Adopted.



**LATE SESSION****Third reading and final passage**

- HB 1212**, relative to extending the reporting date of the open adoption study committee.
- HB 1130**, relative to persons conducting alcohol concentration tests.
- HB 1136**, relative to the university system of New Hampshire board of trustees.
- HB 1150**, relative to voter registration for official ballot meetings.
- HB 1186**, extending the reporting date of the Sullivan county regional refuse disposal district issues study committee.
- HB 1175**, relative to license renewal for dental hygienists.
- HB 1223**, changing the name, amending the duties, and extending the reporting date of the committee to study the unclassified salary structure for state officers.
- HB 1206**, extending the reporting date of the committee studying alcohol and drug abuse prevention.
- HB 1256**, clarifying certain health care laws.
- HB 1272**, allowing school nurses to possess and administer epinephrine for certain emergency treatment.
- HB 1301**, relative to regional appointments to the state committee on aging.
- HB 1337**, repealing the New Hampshire foundation for mental health.
- HB 1233**, relative to interest on judgments.
- HB 1141**, relative to access highways to public waters.
- HB 1566-FN**, relative to perambulation between states.
- HB 1287**, relative to the membership of the water council.
- HB 1386**, designating segments of the Souhegan River as protected under the rivers management and protection program.
- HB 1161**, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.
- HB 1378**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine.
- HB 1409**, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line.
- HB 1588**, relative to the authority of the department of transportation regarding rail safety inspections.
- HB 1225**, relative to the name of the department of fish and game.
- HB 1455**, relative to the authority of the fish and game department for the electronic issuance of licenses, permits, stamps, and tags.
- SB 147**, relative to self-referrals for chiropractic care under managed care organizations.
- HB 1448**, relative to the partition of real property.
- HB 1397**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough.
- HCR 25**, opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry.

**UNANIMOUS CONSENT**

Reps. Copenhaver and Welch addressed the House.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports, only.

Adopted.

The House recessed at 1:10 p.m.

**RECESS**

(Speaker Sytek in the Chair)

**ENROLLED BILL AMENDMENT**

**SB 222-FN-A-L**, relative to guarantee of loans to local development organizations. (Amendment printed SJ 2/3/00)

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 448 and Senate Bills 29, 86, 162 and 176.

Rep. Ronald Nowe for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 5

Thursday, February 3, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Divine Creator, maker of all things seen and unseen, we thank You this day for our beloved New Hampshire. We ask Your blessing upon her citizens, and upon those whom they have sent here, especially the Governor, the members of this House and of the Senate, to perform the honorable tasks of government service. Today, we also especially remember the men and women of New Hampshire in state offices and agencies who work tirelessly behind the scenes for our benefit and care. We thank You also for the many liberties we enjoy and for those who sacrificed so much in the day of decision that we might continue to be free citizens of this beautiful state. Awaken us when we take our liberties too lightly. Arouse us when we share not in liberty's defense. Forgive us, when in cynicism, laziness, or ignorance, we fail to participate in the sacred responsibilities of democracy. Bless the work that is done in these chambers, and may each decision serve to empower the citizens of this fair state to embrace the joy of freedom and gladly, with compassion, accept the responsibilities which maintain our founders' dreams. Amen.

Rep. John Flanders led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Beaulieu, Bishop, Copenhaver, Patricia Cote, Crosby, Curran, Dearborn, DePecol, Ford, Goulet, Hawkinson, Heon, MacNeil, Nichols, Pappas, Perkins, Irene Pratt, Searles and Withee, the day, illness.

Reps. DeChane, Doucette, David Flanders, Fraser, Harmon, Horton, Nancy Johnson, Jane Kelley, McKinley, O'Keefe, Marsha Pelletier, Priestly and Tsiros, the day, important business.

Rep. Whittier, the day, death in the family.

Reps. Bickford, Dawe, Dudley, Dunham, David Lawton, Rubin and Wiggins, the day, illness in the family.

### INTRODUCTION OF GUESTS

Gary Burfoot, guest of Rep. Potter. Brendan Carey Block, guest of Rep. Avery. Eduardo Perktold, guest of Rep. Wendelboe. Jen Martin, guest of Rep. Russell. Ron and Deanna Rush, guests of Rep. Fortnam. Barbara Brewster and Audrey Schaeffer, wife and guest of Rep. Brewster. George and Madeleine Meader, parents of Rep. Meader.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 75**, changing the number required for a quorum on the commission for human rights. (Amendment printed SJ 27, 7/1/99)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. O'Neil, Mercer, Zolla and Murphy.

**HB 422**, relative to advertising by rent-to-own businesses. (Amendment printed SJ 1, 1/13/00)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon. (Amendment printed SJ 1, 1/13/00)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

### RESOLUTION

Reps. Chandler and Burling offered the following:

**RESOLVED**, that the House inform the Honorable Senate it is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, her Excellency, Jeanne Shaheen.

## SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by the Governor, her Excellency, Jeanne Shaheen.

## RECESS

## JOINT CONVENTION

### (Speaker Sytek presiding)

The Speaker introduced Governor Jeanne Shaheen who addressed the Joint Convention.

Madame Speaker, Madame President, honorable members of the Executive Council, the House and Senate, my fellow citizens of New Hampshire:

I am always humbled when I stand before you in this historic chamber. It is a great honor and a privilege. I am happy to be joined this morning by my husband, Billy. He is a little tired after the campaign, so I told him he couldn't fall asleep while I was speaking.

This is now the sixth time I have stood before you with Donna Sytek presiding as Speaker of the House. This is the first time I stand before you with the new President of the Senate, Beverly Hollingworth. I thank you both for your long service to this legislature and to the people of New Hampshire. Thank you.

When New Hampshire entered the 20<sup>th</sup> century, the mills in Manchester bustled with textile workers; railroad was king and lumber camps thrived. Today, we see a very different New Hampshire. Mill buildings are now home to software designers; Manchester Airport welcomes millions of visitors each year; University of New Hampshire professors and students design and build satellites for NASA. New technology and a new economy are changing the way we live and work. We are well positioned to take advantage of this change. As we enter the 21<sup>st</sup> century, I am proud to say the state of our State is excellent.

We have the nation's lowest percentage of children living in poverty. We have one of the lowest crime rates. We have created over 50,000 new jobs since January 1997, and, for the first time in our State's history, we surpassed the 600,000-job mark. We are second in the nation in economic growth and we have the third fastest-growing export rate. We have the highest concentration of high-technology workers in the nation. New Hampshire is on the cutting edge of a dynamic new economy. It's an economy where success is founded on ideas, innovation and information. It is an international economy, where the customers for New Hampshire products are just as likely to come from across the ocean as from across Main Street. It's an economy where people are our most precious resource. The new economy is about knowledge. Now, more than ever, we need to make sure our children are getting a world-class education – an education that starts in their earliest years and continues throughout their lives. Our public schools are the gateway to our children's futures. As a former teacher, I know it is the teacher in the classroom who inspires our children to learn. That is why we must support our teachers. That is also why we must demand excellence. We have taken important steps to improve our schools. New teacher testing. Tougher teacher recertification. And later this year, new school report cards so parents will know not just how their children are doing, but also whether their schools are making the grade.

The Best Schools Leadership Institute - launched last year with your support - is helping local people improve their schools. That means a new mentoring program in Manchester to help keep good teachers. Tougher curriculum standards in Belmont. New ways to measure student performance in Lincoln and Woodstock.

We must awaken in our children an interest in science, math and technology. Our children must be as comfortable using computers as we were riding our bikes. That's what it will take to succeed in the workforce of the future. In the next six years, for example, we will need twice as many computer engineers as we have today. We must make sure our citizens have the skills for these high-technology, high-paying jobs. We are already making progress. Ninety-eight percent of our schools are wired to the Internet. Our Computers in the Schools program is bringing hundreds of computers to our classrooms. We are training teachers to use technology to kindle an excitement for learning in our children. Education is the key to success in the new economy. And how we pay for our public schools will also determine our future economic prosperity.

In the past year, we have fundamentally changed the way we pay for education in New Hampshire. As a state, we have accepted that it is the responsibility of all of us to make sure every child gets



a good education. We have more to do, but we have come a long way. We should be proud of what we have accomplished. As we move forward, we must fully and fairly fund our schools without undermining our economic prosperity. But let there be no doubt: we will not – we cannot – go back. Improving our schools takes more than money. We need rigorous standards. We must demand accountability for improved performance. In the coming weeks, you will consider legislation that will do just that. I ask you to pass this legislation so we can make sure every school in New Hampshire is an excellent school. And we must make sure our children are ready to learn when they enter first grade. Across our state, there are 1,400 more children attending kindergarten this year because of what we did. I have visited many of these new classrooms – in Somersworth, in Newmarket, and Loudon. You can see the eagerness to learn in the faces of these five-year-olds. What we have done is a good thing. But our work will not be finished until every five-year-old in New Hampshire can attend public kindergarten.

We know that the earliest years – even before kindergarten – are the most important. Parents know this, too, but often they can't find the child care they need for their pre-schoolers and infants. So parents juggle work and family, too often afraid that their child care isn't good enough; too often afraid that the cost of child care will bust the family budget. That is why we are launching an apprenticeship program for child care workers. That is why we are offering tuition assistance for technical college students specializing in early childhood education. That is why we are expanding financial assistance to parents who need help, many of whom now pay more than 25 percent of their income for child care. And because I believe we must do more, I will be establishing the Governor's Business Partners for Child Care, which will bring together business leaders, government and parents to increase the availability of affordable quality child care.

But just as learning does not begin with kindergarten, it can not end with high school. Last year, we made a major investment in the University System of New Hampshire. We were able to keep tuition increases in check, sustain the excellent academic environment at Durham, Keene, Plymouth and Manchester, and continue UNH's development as one of the region's premier research institutions. The University System is a magnet, attracting jobs and high-tech companies to our state. We must maintain this investment. And we must recognize that no longer can our workers learn just one set of skills for a lifetime. Learning must be a lifelong process. Our community technical colleges know that. This year, thanks to our increased investment, they are giving even more people the skills they need to succeed. They are helping people like Marlene LaFlamme of Strafford. Marlene knows she needs a college degree. But as a single mother raising two teenagers, while working three jobs, she found commuting to campus a struggle. Last fall, the "Going the Distance" program allowed Marlene to take classes from home. She got the education she needed on a schedule that fits her life and her family. Our new economy demands this kind of flexibility to meet new challenges. It also demands new approaches to some familiar problems.

We can not compete in this new economy without a healthy workforce. Our families must know they can get the health care they need when they need it. Lisa Serard of Bow fought for years to convince her HMO to cover the health care her chronically ill son needs. Ben suffers from diabetes and Crohn's disease, which, untreated, blocked his ability to digest food. Lisa – searching everywhere for help – called my office, and it was only then that her HMO agreed to cover the care Ben desperately needs. It shouldn't be that way. Our people should not have to seek intervention from a governor to get their health insurance companies to respond. Later today, the Senate will take up the HMO Accountability Act I proposed last year. Let's pass this bill today and make sure New Hampshire families are getting the health care they need.

We're fortunate in New Hampshire. Over 91 percent of our residents have health insurance, well above the national average. And most of our residents have health insurance through their employers. But many small businesses struggle to find insurance they can afford. We have moved to lessen that burden. Yesterday, I signed legislation that will enable small businesses to band together to negotiate for better insurance coverage. Thank you for joining with me to make this happen. We must make sure every child in New Hampshire has access to health care. No parent should have to worry about whether they can afford to take a sick child to the doctor. They don't have to anymore. Today, affordable health insurance is within every family's reach through our Children's Health Insurance Program. Over 6,000 more children now have quality health care because of what we've done.

But for all we have accomplished, we must also recognize that some of our most pressing health care concerns can not be solved by New Hampshire alone. They are national and regional problems. Advances in medicine, especially pharmaceuticals, are allowing people to live longer, healthier

and more productive lives. But our seniors, who often need prescription drugs the most, are paying too much for the medicines they need to stay healthy. This summer, I heard from a Concord couple who are spending \$550 a month, half their monthly income, on their prescriptions. The wife wrote me: "We have been married 52 years. He is 75-years-old and I am 77-years. We have always paid all our bills and have never owed anyone. It's embarrassing to seek help as we have been brought up to do for ourselves." Our seniors should not have to live this way. This is a national problem. But we can't just wait – not when our seniors must board buses to Canada to buy medications they can afford. We must begin addressing this problem in New Hampshire. That's why we are testing a pilot program that will give seniors a discount on their prescription drugs.

The consolidation of health care and its transformation into a for-profit industry have created turmoil and uncertainty for customers. We saw that first-hand with the recent failure of Tufts New England. But the lack of affordable insurance choices and the high cost of pharmaceuticals are not problems one state can solve alone. That's why later this month I will meet with the governors of our neighboring states, Vermont and Maine, to begin exploring possible regional approaches to these problems. In the new economy, we must be competitive in every way, including electric rates. Hearings are finishing up at the Public Utilities Commission on a settlement agreement with PSNH. This settlement will allow us to lower electric rates, open the door to competition, and end the costly litigation brought by PSNH. If approved by the PUC, you will soon consider the legislation necessary to implement the settlement. I know you will carefully scrutinize the settlement. I did. The mistakes made in the 1989 Rate Agreement weigh heavily on all of us. But we cannot allow fear of the past to prevent us from seizing the opportunity of the future. Cutting electric rates will be a shot in the arm for the New Hampshire economy. New jobs will be created. Private investment will be stimulated. The disposable income of New Hampshire families will grow by millions of dollars. We must embrace competition and lower electric rates, and we must do it now.

Over the last three years, we have made critical investments in our traditional infrastructure. Last year, we completed the Everett Turnpike two years ahead of schedule. And this year we will complete Route 101 three years early.

Now, we must also turn our attention to the digital infrastructure we will need in the new economy. We must make sure that New Hampshire leads the nation in connecting our businesses, homes and schools with high-speed Internet access and advanced communications services. The new economy is not just an idea. It is here. Half of our residents are already online. We are 10<sup>th</sup> in the nation in the number of our companies doing business on the Internet. The Seacoast, with its proliferation of software and high-tech businesses, is now rightly known as the E-Coast. In this new economy, New Hampshire businesses are competing and winning all over the world. From its headquarters in Bedford, Imaging Automation makes machines that check passports throughout Eastern Europe. In Salem, National Aperture makes micro precision equipment that is sold around the world. At Bretton Woods, the ski area welcomes thousands of international visitors a year. International tourists are discovering New Hampshire, not only its beauty but also its affordability. It's actually cheaper for English skiers to cross the Atlantic to vacation in New Hampshire than to go to the French Alps.

International trade and tourism will only become more important in the new economy. We must help New Hampshire businesses compete globally or risk falling behind. Later this month, I will lead over 20 companies on a trade mission to Germany and Denmark. In Germany, we will also participate in the world's largest high-tech fair, a perfect showcase for New Hampshire companies competing in the new economy. Around the world, demand is growing for high-tech products – products that New Hampshire companies can supply – if we help them gain access to global markets.

State government, too, must keep pace with the changes of the new economy. People should be able to easily access government information and services online. We have already started moving in that direction. For example, Administrative Services is developing an online job recruitment and application process for state agencies. The National Guard is building five multi-media, distance learning centers for use by the Guard, local communities, and businesses. To continue to move government into the 21<sup>st</sup> century, I will soon appoint a public-private task force. It will review how state government manages its high-tech resources and recommend how we can use technology more efficiently to improve the services we provide our citizens.

We must also change how we manage our limited fiscal resources. Our pilot project in performance-based budgeting is an important step in making sure we use our tax dollars wisely and efficiently. This shift to performance budgeting should not be caught up in a power struggle between the executive and legislative branches. I urge you to embrace this change.

As much as ever before, we must be fiscally responsible. Our school-funding plan has a \$30 million to \$40 million gap. We must find the dollars to fill that gap or cut back on state services. Those are the choices. I believe we should pass a 10-cent increase in the cigarette tax. I hope you will make that choice.

We must also remember that the budget we established last June is a biennial budget, setting our investment priorities for two years. We can not and must not haphazardly pass spending or revenue reduction bills this year unless we are willing to pay for them.

In the information age, people can work anywhere. People and businesses are coming here because this is a place where they want to live and work. Our rich history, abundant natural resources, our clean air and clean water, are the very things driving our economic growth. But as we grow, we must preserve what is special about New Hampshire, the traditional character of our communities, our forests and farms, and our historic buildings and downtowns.

State government should serve as a role model for smart growth. That's why I asked the Council on Resources and Development to study how state government may be contributing to sprawl and what we should do to help prevent it. Based on this report, I have directed state agencies to incorporate smart growth approaches into all decision-making. We must also work together with business, local communities, and private citizens to protect our historic places and open spaces. The public/private partnership proposed by the Land and Community Heritage Commission will help us accomplish this. Let us come together – Democrats and Republicans – and find a way to do this – this year.

These are the challenges that lie ahead of us. And the opportunities. It was only a few weeks ago we watched our nation and the world enter a new century. There is so much ahead of us that we can only imagine and dream. Today, we hold the power to decide the fate of our great state and all its people. Together, let us rise to the challenges of the new century. Together, let us seize its opportunities. Together, we can secure a bright and prosperous future for generations to come in this new economy. Thank you very much.

Sen. Larsen and Rep. Chandler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## RECESS

(Speaker Sytek in the Chair)

## SPECIAL ORDERS

**HCR 29**, promoting the development and implementation of a financial literacy curriculum for primary school pupils in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth K. Hoadley for Education: The committee agrees with the intent of the bill. Financial literacy, however, is already embedded in New Hampshire's public school curriculum, through the economics portion of the social studies standards at the elementary levels and through the graduation requirement of economics at the secondary level. The selection of instructional materials lies with teachers, administrators and local school policy. Rather than try to legislate a specific curriculum, the committee would urge individuals and organizations to provide both materials and technical support to teachers who are committed to teaching these skills. Vote 14-1.

Rep. Kenney spoke against.

Rep. Hoadley spoke in favor.

On a division vote, 267 members having voted in the affirmative and 51 in the negative, the report was adopted.

**HB 1198**, establishing a procedure for the 2001 voter checklist verification. **OUGHT TO PASS WITH AMENDMENT**

Rep. Raymond Buckley for Election Law: The Committee strongly supports accurate voter checklists. This bill, supported by the Town Clerk's Association, would significantly aid in our effort to have accurate up-to-date voter checklists by removing the name of **any** person who failed to vote in any election in the calendar year 2000. Any election includes the presidential primary, municipal election, state primary, general election or any special election. With same day voter registration, we believe no actual voter would be disenfranchised. Vote 17-0.



**Amendment (3033h)**

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Reps. Vaughn and Kennedy spoke against.

Reps. Arndt and Foster yielded to questions.

Reps. Buckley and Francis Davis spoke in favor and yielded to questions.

Report adopted and ordered to third reading.

**CACR 35**, relating to malfeasance and crime in state agencies. Providing that a permanent grand jury shall be established to review and investigate all actions by agencies of the state of New Hampshire and all indictments arising therefrom shall be prosecuted promptly and without delay. **INEXPEDIENT TO LEGISLATE**

Rep. John M. Pratt for Judiciary: Though well intentioned as an effort to insure that all divisions of state government hold themselves accountable to the people they serve, in the judgment of the committee, the proposed constitutional amendment is over broad in its language and could subject every employee of the state, who has taken an "action", to the possibility of a grand jury indictment. Vote 14-2.

Adopted.

**HB 1263-FN**, establishing the crime of the misrepresentation of law or facts of a case by a state judicial, executive, or legislative official. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill establishes the Judiciary Committee of the N.H. House of Representatives as a judicial power to impose the penalty of a Class B felony on the judicial, executive or legislative offices who knowingly or otherwise misrepresent the law or facts of a case in a ruling, order, judgement, opinion or decree. The committee believes that the bill violates the separation of powers under Article 37 of the N.H. Bill of Rights. However, the committee also believes that the philosophy expressed in this bill has merit, but this bill is not the vehicle to bring the matter into law. Vote 14-3.

Reps. Christiansen and Soltani spoke against.

Rep. Mock spoke in favor and yielded to questions.

Adopted.

**HB 1486-FN**, making the penalty for the offense of official oppression a felony and creating a civil cause of action against public officials for abuse of office or improper influence. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill dramatically increases the penalties for breach of the public trust, from a misdemeanor to a Class B felony. Further it shifts the burden of proof from the complaining party to prove the allegation against the official, to requiring the public official to prove he or she is innocent. This bill will also authorize a civil cause of action against a public official. This bill might have a chilling effect on volunteerism in all levels of government from towns to state government. Vote 16-0.

Rep. Weyler spoke against.

Rep. Rowe spoke in favor.

Rep. Weyler requested a roll call; not sufficiently seconded.

Report adopted.

**HB 1290**, relative to liability for motor vehicle state inspection, registration, and equipment violations. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard: After hearing the sponsor's intent of this bill, the committee decided to take up the subject matter in HB 1193-FN, currently before the Transportation Committee. The committee felt that this bill did not accomplish the sponsor's goals. It is the committee's intent to accomplish these intentions in HB 1193-FN. Vote 14-1.

Adopted.

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.



**HB 1399-FN**, relative to the amount payable by the retirement system on account of qualified group II retirees of a political subdivision employer, removed by Rep. Mercer.

**HB 1169**, relative to gates and bars on class VI roads, removed by Rep. Alger.  
Consent Calendar adopted.

**HB 1298**, requiring advertisements and postings of meals and rooms prices to include the amount of meals and rooms tax in each price displayed. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The committee felt that this legislation was not necessary. Most properties that are affected by this tax, post that their advertised prices do not include state rooms and meals tax. This law would not have affected national chains advertising in the state and could have an adverse effect on restaurants that print their menus for a year at a time. Testimony from NHLRA said that none of their members had ever had a complaint about this subject. Vote 12-1.

**HB 1351-L**, relative to possession of firearms while intoxicated. **INEXPEDIENT TO LEGISLATE**

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill would have allowed a law enforcement official to confiscate a firearm from any person who "appears to be intoxicated" immediately in the interests of the state. After reviewing this bill, the committee recommended ITL. There were several reasons for this recommendation. The subject matter is covered in other laws. The committee felt there were at least two violations of the state constitution and there was no provision for the return of the confiscated weapons to the owner. Vote 13-0.

**HB 1449**, relative to the cost of any and all tests conducted pursuant to DWI convictions. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill asks that a D.W.I. defendant, upon conviction, be required to pay for any and all screening tests ordered by law enforcement officials. Our committee felt that once a person was arrested, the custodial agency should then be responsible for the tests it requires. It is a cost of doing business and is properly a responsibility of that agency. Lastly, there was a fear that hospitals would refuse to do the test because they may not be paid. In that case the town would be held liable for the cost of its test anyway. Therefore, we voted Inexpedient to legislate. Vote 14-0.

**HB 1381**, relative to the dissolution of the Pawtuckaway cooperative high school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. P. Judith Sullivan for Education: This bill permits the Nottingham and Deerfield school districts to dissolve the Pawtuckaway Cooperative High School. Unable to reach an agreement at the cooperative organizational meeting, the voters approved an article to dissolve the articles of agreement. All the testimony the committee heard was to support the dissolution of the cooperative district. The amendment simply changes the effective date from "60 days" to "upon passage", to allow the two towns to vote on the article in the March meeting. The committee unanimously agrees that allowing this dissolution is in the best interest of both towns. Vote 13-0.

### Amendment (3098h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

**HB 1539-FN-L**, returning to group II of the New Hampshire retirement system all full-time emergency communicators and full-time emergency-911 telecommunicators who staff offices which are part of the 24-hour public safety network. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: The committee recognizes that emergency dispatchers and emergency 911 telecommunicators play an important and essential role in the public safety network but the legislature has always adhered to the basic premise that group II members must meet the test of direct hazardous duty and the requirements as certified by the director of personnel which this legislation does not meet. Vote 14-0.

**CACR 37**, relating to the right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental. **REFER FOR INTERIM STUDY**

Rep. Dennis J. Withee for Judiciary: Because of developments in modern technology and easy access to personal information, the committee believes this issue deserves in depth study. Vote 18-1.

**HB 1435**, establishing a committee to study electronic media and the right-to-know law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Bergin for Judiciary: The committee after hearing favorable testimony feels that it is important to study how new electronic and technological changes will impact the methodology of reporting and recording state and municipal meetings in accordance with the right-to-know law – RSA 91-A. Vote 18-0.

#### **Amendment (3200h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall seek advice from experts in information technology and the right-to-know law and any other persons the committee deems relevant.

3 Duties. The committee shall study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law, RSA 91-A.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill establishes a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law.

**HB 1488-FN**, relative to witness fees for court attendance in criminal cases. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill sought to require witnesses at a criminal trial to be paid at the statutory rate for witness fees whether they actually testified or not. The committee was asked to ITL this bill by its sponsor because the existing witness statute already provides for payment whether the witness testifies or not. Apparently there was some misinterpretation of the statute and the state Attorney General's office has issued a letter clarifying the statute. Also, the Judiciary committee will send a letter to all county attorney offices in New Hampshire indicating that all persons requested to appear will be paid in accordance with the statute to eliminate the need for any future legislation. Vote 19-0.

**HB 1105**, ratifying the 1999 Seabrook annual town meeting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: The town of Seabrook asked for this bill because of procedural irregularities surrounding the adoption of The International Property Maintenance Code, First Addition 1998. The article was approved by the voters 925 to 754. The irregularities involved the Selectmen holding a public hearing instead of the Planning Board (RSA 675:2) The committee amendment addresses only Article 9 of the warrant because of unrelated and ongoing legal disputes on some of the other warrant articles. Vote 13-0.

**Amendment (3110h)**

Amend the title of the bill by replacing it with the following:

AN ACT ratifying article 9 of the 1999 Seabrook annual town meeting.

Amend the bill by replacing section 1 with the following:

1 Ratification of Article 9 of the 1999 Seabrook Annual Town Meeting. All acts, notices, and proceedings relating to article 9 of the meeting warrant of the Seabrook annual town meeting first session held on February 4, 1999 and second session held on March 9, 1999 are hereby legalized, ratified, and confirmed.

**AMENDED ANALYSIS**

This bill ratifies all acts, votes, notices, and proceedings relating to article 9 of the meeting warrant of the first and second sessions of the 1999 Seabrook annual town meeting.

**HB 1332**, relative to review of plats or applications submitted to local planning boards. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Municipal and County Government: Present law provides a timeline of 65 days for a planning board to approve, conditionally approve, or disapprove an application for subdivision. This timeline was a compromise when it was enacted several years ago. Furthermore, the committee believed there are adequate provisions in present law to extend or waive the 65 day requirement. Vote 15-1.

**HB 1543-FN-L**, repealing the laws on the collection and enforcement of property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth S. Hager for Municipal and County Government: This bill would eliminate the authority that our municipalities now have to enforce the collection of their taxes. It would result in a major decrease in local revenues and would amount to a dramatic change in the way New Hampshire municipalities do business. While the sponsor's sincerity on this subject is recognized, the committee believes that such fundamental changes in state government should be pursued in accord with New Hampshire constitution, Part First, Article 10 or Part Second, Article 100. Vote 15-0.

**HB 1299-L**, prohibiting elected or appointed public servants from leasing or renting space to private contractors. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Daigle for Public Works and Highways: The committee felt that this legislation was unnecessary and would in fact cause great disruption to state government. The constitutional reference by the sponsor was not interpreted the same by any members of the committee. A few examples of the affects would be: 1. The removal of all vending machines at any state rest areas; 2. Voiding the lease at Mt. Sunapee; 3. Food service at various state parks; 4. Support services at Health and Human Services; 5. Parking spaces at Hampton Beach; 6. The museum at Cannon Mountain. Revenue at parks and recreation alone was \$666,498 in 1999, all for the benefit of park funds. Vote 14-0.

**HB 1334-L**, relative to posting municipal roads. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace White Bouchard for Public Works and Highways: This bill amends RSA 231:191 by providing that postings of maximum weight limits for class IV, V or VI highways established by municipalities should be in accordance with currently acceptable practices and technology. This bill also retains local control to municipalities concerning posting of roads while at the same time giving an appeal process to aggrieved businesses after a road has been posted. This bill has no affect on state postings of maximum weight limits. Vote 15-0.

**Amendment (3218h)**

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Maximum Weight Limits Which Restrict Commercial or Industrial Companies; Hearing. Amend RSA 231:191 by inserting after paragraph VI the following new paragraph:

VII. The governing body of a municipality who establishes maximum weight limits more restrictive than the limits set forth in RSA 266:17-26, for any class IV, V, or VI highway or portion of such highway, seasonal or otherwise, which restricts a commercial or industrial company operated or located in that municipality, shall hold a hearing if requested by the impacted business. The hearing shall be held within 15 working days of receipt of a certified letter by the local governing body from the impacted business requesting a hearing, otherwise enforcement of the maximum weight limits established by that municipality shall be suspended for the remainder of the year or until such hearing is held.



## AMENDED ANALYSIS

This bill provides that postings of maximum weight limits for class IV, V, or VI highways established by municipalities should be in accordance with currently acceptable practices and technology. This bill also requires the governing body of a municipality that establishes maximum weight limits for class IV, V, or VI highways, which restrict a commercial or industrial company operated or located in the municipality, to hold a hearing if requested by the impacted business, and if such hearing is not held within certain time limits, the maximum weight limits shall be suspended for the remainder of the year or until such hearing is held.

This bill is a request of the study committee established under 1999, 36.

**HB 1336-L**, relative to posting of roads in municipalities. INEXPEDIENT TO LEGISLATE  
Rep. Candace White Bouchard for Public Works and Highways: The committee felt that the issue of posting roads would best be addressed with HB 1334-Local, which is the result of a study committee relative to posting roads. Vote 13-0.

**HB 1385**, relative to creating a crosswalk on a certain road. INEXPEDIENT TO LEGISLATE  
Rep. Candace White Bouchard for Public Works and Highways: This bill would have authorized the Department of Transportation to allow the city of Dover to create a crosswalk in Dover, at the access road to the Spaulding Turnpike known as the Silver Street Extension. The city of Dover and DOT has come to an agreement without legislation, and the crosswalk will be built in the spring of 2000. The sponsor asked this bill to ITL. Vote 14-0.

**HB 1471**, repealing the department of employment security's power to approve building projects without legislative oversight. OUGHT TO PASS WITH AMENDMENT  
Rep. John R. Cloutier for Public Works and Highways: This bill as amended would repeal the Department of Employment Security's present exemption from legislative oversight in approval of capital improvements for its buildings. Instead, the department would have to seek the approval of the Joint Capital Budget Overview Committee for such improvements. The Employment Security Commissioner testified that he had no problem with the intent of the bill. However, he stated that subjecting his department to the normal biennial capital budget process would be inconvenient because it is totally funded by the federal government, and must follow the annual federal budget cycle. The bill was filed in response to complaints about the high costs of the department's recent building projects. Vote 14-0.

## Amendment (3176h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the department of employment security's power to approve building projects.

Amend the bill by replacing all after the enacting clause with the following:

1 Duties and Powers of Commissioner; Establishment and Maintenance of Public Employment Offices. Amend RSA 282-A:112, IV to read as follows:

IV. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized, notwithstanding any other provision of law, with the *consent of the joint legislative capital budget overview committee*, and with the approval of the governor and council, to enter into lease purchase agreements and *any other agreements for the purpose of establishing and maintaining free public employment offices*.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill requires the department of employment security to receive the approval of the joint legislative capital budget overview committee when entering into lease purchase agreements or any other agreements for the establishment or maintenance of public employment offices.

**HB 1528**, establishing a commission relative to the New Hampshire International Speedway. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth C. Shultis for Public Works and Highways: This bill to establish a commission relative to the New Hampshire International Speedway was opposed by all the sponsors who testified, not because the idea was not worthy, but because all constituencies were not represented, and there was no provision for an oversight committee. Legislation to enable planners to deal with major developments, coordinating land use issues with transportation issues was recommended as an alternative to instituting a new entity on an existing enterprise. Vote 14-0.



**HB 1149**, commemorating the anniversary of the founding of certain branches of United States armed forces. **OUGHT TO PASS**

Rep. James A. McDonald, Sr. for State-Federal Relations and Veterans Affairs: The committee agrees with the sponsors of the bill, that the Army, Navy, Air Force and Coast Guard have the honor of flying their respective branch flags over the State House to commemorate the anniversary of their founding. Vote 13-0.

**HB 1156**, establishing June 20th each year as Destroyer Escort Day. **OUGHT TO PASS**

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: This bill establishes June 20th each year as Destroyer escort Day to commemorate those who served and lost their lives while serving aboard these gallant vessels during World War II, the Korean Conflict and the Vietnam Conflict. Vote 13-0.

**HB 1368-FN**, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials. **OUGHT TO PASS**

Rep. J. Arthur Tufts for State-Federal Relations and Veterans Affairs: Testimony was presented by NH citizens who had visited Civil War monuments and mentioned that the memorials are in disrepair. The proposed life span of fifteen years should be sufficient to receive funds and coincides with the anniversary of the Civil War. Vote 13-0.

**HCR 21**, urging the federal government to increase the pay to military personnel. **OUGHT TO PASS**

Rep. Marshall E. Quandt for State-Federal Relations and Veterans Affairs: This bill urges the government to increase the pay to military personnel. The committee, on an affirmative vote of 13-0, agrees that the pay and benefits to our military personnel is inadequate to attract and maintain a professional military organization. Vote 13-0.

**HB 1275**, requiring school bus drivers to use all safety equipment on the bus or risk revocation of certificate. **INEXPEDIENT TO LEGISLATE**

Rep. Alfred C. Lerandeau for Transportation: The committee felt that this bill as presented offers no new portions to the school bus drivers' responsibility. The safety record throughout the state has been very impressive, and we do not feel that additional laws are necessary at this time. Vote 13-0.

**HB 1324**, establishing a committee to study the junk yard licensing process. **INEXPEDIENT TO LEGISLATE**

Rep. Alfred C. Lerandeau for Transportation: The committee, having the support of the sponsor, agreed that this bill is more of a local matter, and should be addressed at that level. This bill is also addressed in HB 1423-Local, and we look forward to working with the sponsor of HB 1324 should he need additional support. Vote 13-0.

**HB 1370**, allowing private investigators access to motor vehicle records for the purpose of conducting insurance fraud investigations. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Milligan for Transportation: Both the sponsor of the bill and the New Hampshire League of Investigators asked that this bill be found Inexpedient to Legislate. The procedures implemented by the Department of Safety already effectively and efficiently address the issue. Vote 13-0.

### REGULAR CALENDAR

**HB 1567-FN**, extending medical and surgical benefits to domestic partners. **REFER FOR INTERIM STUDY**

Rep. Martha Fuller Clark for Commerce: The committee heard extensive testimony in favor of extending domestic partnership health benefits to state employees. No one spoke in opposition to the bill. At the same time critical and difficult questions were raised regarding defining domestic partnerships and who exactly should be eligible for such benefits. The University of New Hampshire has just adopted a domestic partnership benefit package for their employees. The Vermont legislature is wrestling with domestic partnership issues as a result of the recent ruling by their Supreme Court. For all of the above reasons, the committee felt that interim study would be the prudent way to proceed with this difficult and important piece of legislation. Vote 12-1.  
Adopted.

**HB 1594-FN**, relative to the allocation of moneys in the tobacco use prevention fund. **OUGHT TO PASS**

Rep. Francine Wendelboe for Health, Human Services and Elderly Affairs: House Bill 1594 sets forth the allocation of the moneys in the tobacco use prevention fund established and funded last session. It is the result of a comprehensive tobacco study by legislation with great input by the Department of Health and Human Services, the Center for Disease Control and a large coalition of health organizations. The committee heard hours of testimony in support of this bill. Vote 14-0. Adopted and ordered to third reading.

**HB 1517-FN**, memorializing the New Hampshire bill of rights as the law of the land. **INEXPEDIENT TO LEGISLATE**

Rep. Martha S. Solow for Judiciary: The committee deemed this bill over broad and unnecessary. It would make any perceived violation of the NH Bill of Rights by any agent of the state a class B felony. If enacted, it would put into jeopardy any vote by a legislator or decision by any judge or any policy adopted by a board of selectmen or other state subdivision. There is currently a mechanism (declaratory judgment) for dealing with violations of the Bill of Rights. Vote 15-2. Adopted.

**HB 1192-FN**, creating an exemption from tolls within the New Hampshire turnpike system for members of the New Hampshire national guard. **INEXPEDIENT TO LEGISLATE**

Rep. Winston H. McCarty for Public Works and Highways: The committee heard support for this bill from only the sole sponsor. While the committee appreciates the commitment of the New Hampshire National Guardsmen, we think there are other ways to show this appreciation in a more broad and beneficial manner. The committee believes it is unfair to give a benefit that would only benefit some 40% of the guardsmen, and not an equal benefit to all. It also targets only one segment of our military forces. There is also an estimated \$10,000 loss of restricted turnpike revenue that is not replaced with another source of revenue. Opening up to this request would lead to many more similar requests. The Department of Transportation is opposed to the bill. Vote 14-0.

Rep. Kenney spoke against.  
Adopted.

**HCR 22**, urging the federal government to ensure that defense appropriations are spent in support of defense programs. **OUGHT TO PASS**

Rep. David A. Young for State-Federal Relations and Veterans Affairs: This legislation urges the federal government to ensure that defense spending is specifically used for national defense. The testimony reflected concern that appropriated funds were used for indirect social service programs not directly applicable to our national defense. The discussion also included remarks from US Senator Gregg specific to "pork barrel" politics. Vote 12-1.  
Adopted and ordered to third reading.

**HB 1399-FN**, relative to the amount payable by the retirement system on account of qualified group II retirees of a political subdivision employer. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: This bill reinterpreted the definition of disability as "ordinary disability" and removed the requirement that firemen, receiving a permanent disability retirement allowance, must undergo a medical examination within 5 years and every three years thereafter. The committee felt that this action was discriminatory because the requirement now applies to all group I and group II members receiving disability allowance. Vote 13-1.

Rep. Mercer moved Re-commit to Committee and spoke in favor.  
Adopted.

**HB 1169**, relative to gates and bars on class VI roads. **OUGHT TO PASS**

Rep. Gerald P. Merrill for Public Works and Highways: This bill requires that any private land owner erecting gates and bars across any class VI road should receive approval from the selectmen. This will help selectmen know about gates erected on class VI highway for safety reasons, such as fire access. Additionally owners of property beyond the gates will be afforded better protection regarding access to their property. Vote 14-0.

Reps. Edwin Smith and Alger yielded to questions.  
Adopted and ordered to third reading.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 10, 2000 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1198**, establishing a procedure for the 2001 voter checklist verification.

**HB 1381**, relative to the dissolution of the Pawtuckaway cooperative high school district.

**HB 1435**, establishing a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law.

**HB 1105**, ratifying article 9 of the 1999 Seabrook annual town meeting.

**HB 1334-L**, relative to posting municipal roads.

**HB 1471**, relative to the department of employment security's power to approve building projects.

**HB 1149**, commemorating the anniversary of the founding of certain branches of the United States armed forces.

**HB 1156**, establishing June 20<sup>th</sup> each year as Destroyer Escort Day.

**HB 1368-FN**, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials.

**HCR 21**, urging the federal government to increase the pay to military personnel.

**HB 1594-FN**, relative to the allocation of moneys in the tobacco use prevention fund.

**HCR 22**, urging the federal government to ensure that defense appropriations are spent in support of defense programs.

**HB 1169**, relative to gates and bars on class VI roads.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 12:10 p.m.

**RECESS**

**(Rep. Chandler in the Chair)**

**SENATE MESSAGE****CONCURRENCE WITH AMENDMENTS**

**SB 36-FN-A**, relative to salary increases for direct care providers for persons with developmental and acquired disabilities.

**SB 147**, relative to self-referrals for chiropractic care under managed care organizations.

**RECESS**

**(Speaker Sytek in the Chair)**

**COMMITTEE ASSIGNMENTS**

Rep. Jay Rosenfield off Wildlife and Marine Resources; on Municipal and County Government.

Rep. Joan C. Tate off Children and Family Law; on Wildlife and Marine Resources.

**RECESS**

**(Rep. Buckley in the Chair)**

**RESOLUTION**

Rep. Leishman offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution numbered 31, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HCR****First, second reading and referral**

**HCR 31**, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day. (Merrill, Coos 1; P. Davis, Coos 1; Chandler, Carr 1; McGuirk, Ches 1; Landers, Coos 2; F. King, Dist 1; Gordon, Dist 2; Below, Dist 5; Cohen, Dist 24; Johnson, Dist 3: State-Federal Relations and Veterans Affairs)

**ENROLLED BILL AMENDMENT**

**SB 147**, relative to self-referrals for chiropractic care under managed care organizations. (Amendment printed SJ 2/10/00)  
Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

**COMMITTEE ASSIGNMENTS**

Rep. Linda T. Foster off Municipal and County Government; on Finance.  
Rep. Andre A. Martel on Children and Family Law.  
Rep. Dawn C. Nolan-Piteri off Children and Family Law.  
Rep. David A. Young on Children and Family Law.

**RECESS**

**(Rep. Vaillancourt in the Chair)**

**RESOLUTION**

Rep. Bickford offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 2000 and House Concurrent Resolution numbered 32, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILL and HCR****First, second reading and referral**

**HB 2000-FN-L**, relative to a 10-year transportation plan. (E. Smith, Ches 6; Public Works and Highways)  
**HCR 32**, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. (G. Brown, Straf 17; Burling, Sull 1; Chandler, Carr 1; Peter Cote, Hills 32; Knowles, Straf 11: State-Federal Relations and Veterans Affairs)

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Chandler moved that the House adjourn.  
Adopted.



## HOUSE JOURNAL No. 6

Thursday, February 10, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Dear Lord, we have heard that politics is like making sausage, and if that is so, we pray today for the following:

Grant each member of this House an open heart to hear the concerns of those they serve. Grant each a listening ear, an open mind, and a healthy measure of compassion. Grant each a spirit of discernment, with the wisdom and the will to act courageously. Remove the fat and gristle that stalls progress and erodes trust. Add the proper seasonings of dedication, sacrifice and thanksgiving so that, when our political sausage is placed in the frying pan of public opinion, all the citizens of our beloved New Hampshire may smell the sweet aroma of work well done with Your blessing and grace. Amen.

Rep. Weare led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Allison, Blaisdell, Bridle, Patricia Cote, Curran, DePecol, Holley, LaMott, William McCarthy, Mendenhall, Nolan-Piteri, Irene Pratt and Searles, the day, illness.

Reps. Abbott, Craig, Fenton, Fortnam, Fraser, Glines, Grassie, Langone, Martel, McKinley, O'Keefe, Perkins, Priestley, Salatiello, Shelton, Solow, Soltani and Wallin, the day, important business.

Reps. Dawe, Dudley, David Lawton, Lovejoy and Rubin, the day, illness in the family.

### INTRODUCTION OF GUESTS

Mark Turner, guest of Reps. Ronald Nowe and Mary Lou Nowe. The 4<sup>th</sup> grade class from the Newmarket Elementary School, guests of the Newmarket Delegation. Leadership New Hampshire Class of 2000, guests of the House. Christina Grigorian, Olga Ivanova, Aziz Abdoukavimov and George Firsov, guests of Rep. Alukonis.

### SPECIAL GUESTS

The Girl's Softball team from Moultonborough Academy.

### SENATE MESSAGE

### NONCONCURS WITH AMENDMENT

### REQUESTS COMMITTEE OF CONFERENCE

**SB 143**, relative to penalties for incest.

The President appointed Sens. Pignatelli, Squires and Brown.

Rep. Welch moved that the House accede.

Adopted.

The Speaker appointed Reps. Welch, Lozeau, Tholl and Knowles.

### HOUSE RESOLUTION NO. 23

Memorializing State Representative Marie C. Hawkinson of Berlin

**WHEREAS**, it is with profound sadness and with the deepest of regrets that we have learned of the death of our legislative colleague, Marie C. Hawkinson of Berlin, who was in the midst of her fifth consecutive term serving faithfully her constituents of District 7 of Coos County, and

**WHEREAS**, throughout her legislative tenure, Marie C. Hawkinson did distinguish herself as a lawmaker and with diligence did sit first on the Standing Committee on Labor, Industrial & Rehabilitative Services and then on Appropriations and most recently, for three consecutive terms, on Finance, and

*WHEREAS*, having been born in Berlin, Marie C. Hawkinson did choose to remain in the beloved land of her roots and did spend her lifetime being a champion of the New Hampshire North Country, working always and with intense effort to bring opportunity, advantage and prosperity to the area, and

*WHEREAS*, having been a woman possessed of high energy and civic commitment, Marie C. Hawkinson did serve the citizenry of Coos County in countless ways, including as County Commissioner, as Incorporator of Charitable Trust, as Secretary of the Berlin Elementary Teachers' Association, and as a member of the Androscoggin Valley Hospital Board, and

*WHEREAS*, in the most recent of times, Marie C. Hawkinson was honored as recipient of the Sylvia Evans Award and the Dunfey-Kanteres Award, and

*WHEREAS*, all who did come to cross her path did quickly come to know Marie C. Hawkinson to be a woman of impeccable integrity who never did hesitate or flinch when standing in the face of a challenge, now therefore be it

*RESOLVED*, by the House of Representatives in Regular Session convened, that Marie C. Hawkinson be saluted and granted the highest of accolades for her outstanding and dedicated legislative service, as well as her service to Berlin and the North Country, and be it further

*RESOLVED*, that expressions of heartfelt sympathy be extended to her family, and that a copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1264-FN**, relative to the unlawful use of theft detection shielding devices, removed by Rep. Welch.

**HB 1499**, relative to credit for American sign language and transliteration as a foreign language, removed by Rep. Gilman.

**HB 1365**, relative to spending disclosures in political advertising, removed by Rep. Splaine.

**HB 1526-FN**, relative to campaign contributions and expenditures, removed by Rep. Splaine. Consent Calendar adopted.

**HB 1162**, establishing a committee to study the petition process, record keeping procedures, and costs of services in CHINS cases. **INEXPEDIENT TO LEGISLATE**

Rep. L. Randy Lyman for Children and Family Law: The Department of Children, Youth and Families has a newly-adopted program, Voluntary Service Program, now in effect that will be addressing CHINS cases; therefore, the committee and sponsor feel this bill is not necessary at this time. Vote 12-0.

**HB 1228**, relative to offers of credit received through the mail. **INEXPEDIENT TO LEGISLATE**  
Rep. Stephen G. Avery for Commerce: This bill, while well intentioned, would only apply to one institution within the state. 99% of credit card offers come from out-of-state and are not subject to this law. The offers must comply with federal statutes under the Fair Credit Reporting Act and disclose all further conditions of the loan. Vote 12-0.

**HB 713-FN**, relative to penalties for multiple DWI offenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 713-FN as introduced, dealt with penalties for DWI offenses and ignition interlock devices. This bill was re-referred in the spring of 1999 and a subcommittee was formed to study the subjects. There was also a chartered study committee approved (SB 84) to look at DWI related issues. The subcommittee on HB 713-FN decided to deal with just the ignition interlock devices and leave the penalty-related matters to the SB 84 committee. The subcommittee on HB 713-FN met several times during the fall of 1999 and produced what we hope will be the start of a successful ignition interlock system for the state of New Hampshire. Section 1 of the amended bill defines "ignition interlock devices" and "interlock service providers". Section 2 of the bill establishes an ignition interlock program and puts limits on how long the court may order its use. Six months to 1 year for a first offense and not more than 3 years for a subsequent offense. This section also allows for rules to be established to deal with recalibration, installation, number of service locations in the state, who the reports are sent to, an

exception for those that can't pay, and the issuance of a certificate of installation on the offenders vehicle. The third section of the bill describes what happens if one tries to circumvent the use of an ignition interlock device. The fourth section establishes penalties for violating a court order requiring the use of an ignition interlock device. The expenses incurred with the use of an interlock device are the responsibility of the person ordered by the court to have the device installed. The last two sections of the bill add the use of ignition interlock devices to the reckless driving statute, if there is a revocation in which alcohol was involved, and to the negligent homicide statute if one is under the influence and causes the death of another. The one other change we made was in RSA 265:79, reckless driving, minimum penalty, where we changed the maximum fine to \$1,000 from \$500. This brings this section of our statutes in line with the maximum fine for a violation as described in RSA 651:2-IVa. Vote 14-0.

### **Amendment (3248h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Definition of Ignition Interlock Device and Provider. Amend RSA 259 by inserting after section 43 the following new sections:

259:43-a Ignition Interlock Device. "Ignition interlock device" shall mean breath alcohol ignition interlock device, which is a system or device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer measures the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level. The device contains a data-logger which retains records of failures to take or pass the test during the period between recalibrations.

259:43-b Interlock Service Provider. An approved interlock service provider means an entity that installs, services, calibrates, monitors, and provides reports as required by RSA 265:82-e, II(c) who is approved by the commissioner of the department of safety to do so; no person shall provide any of the services of an approved interlock service provider without such prior approval.

2 New Subdivision; Alcohol Ignition Interlock Program. Amend RSA 265 by inserting after section 82-d the following new subdivision:

#### **Alcohol Ignition Interlock Program**

265:82-e Alcohol Ignition Interlock Program Established. Any person whose license or permission to drive has been revoked or suspended under RSA 265:82-b may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for not less than 6 months nor more than one year for a first offense or more than 3 years for a subsequent offense. Installation and monitoring costs shall be paid by the offender. A certificate proving installation of the device shall be provided to the division of motor vehicles as a condition precedent to reinstatement of the individual's license to drive, and the division may mark the person's license accordingly.

I. An ignition interlock device may not be sold or distributed in this state without the device being approved by the commissioner of the department of safety in consultation with the advisory committee on breath analyzer machines established in RSA 106-G, as provided in RSA 265:82-e.

II. The department of safety shall establish rules, pursuant to RSA 541-A, for the approval of ignition interlock devices, and for the licensing of approved interlock service providers.

III. The commissioner shall adopt rules and regulations to create an ignition interlock program protocol that will control the delivery of interlock service in this state under this subdivision. The rules adopted for the licensing of approved interlock service providers shall require that each provider, at a minimum;

(a) Provide recalibration of each device monthly, unless otherwise ordered by the court;

(b) Maintain at least that number of locations across the state for the installation, service, calibration and monitoring of an ignition interlock device as might be required from time to time by the program operating protocol developed by the commissioner;

(c) Provide periodic reports as determined by the court or in department rules, to the arresting agency, the court of jurisdiction, and, if applicable, to the offender's treatment provider and probation office;

(d) Retain all data-logger records for 12 months after the end of the period to which the offender is sentenced;



(e) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program, by developing a hardship credit equal to 2 percent of the gross receipts of each approved interlock service provider excluding the purchase or rental cost of the interlock device; and

(f) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock service protocol.

265:82-f Alcohol Ignition Interlock Circumvention.

I. Any person required by the court to drive only a motor vehicle equipped with an ignition interlock device shall not drive any motor vehicle not equipped with this device.

II. A person may not tamper with, or in any way attempt to circumvent the operation of an ignition interlock device that has been installed in a motor vehicle.

III. A person may not start or attempt to start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to persons who is restricted by law to drive only a motor vehicle so equipped. The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle equipped with an ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not drive the vehicle.

IV. A person may not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person whom the provider of the vehicle knows was sentenced to drive only a motor vehicle equipped with an ignition interlock device.

V. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

265:82-g Violating Court Order.

I. The court shall immediately suspend the privileges to operate a motor vehicle of, and issue a bench warrant for, any persons who fails to comply with any order of the court regarding the installation of an ignition interlock device after the period of revocation or suspension imposed in RSA 265:82-b. The privileges to operate shall not be restored until the court is satisfied that the person is in compliance with its order.

II. If it is found that a person required to drive a motor vehicle equipped with an ignition interlock device has failed to comply with any requirement for the maintenance or calibration of the device, or shows a consistent pattern of failures to pass the breath test provided by the device, the court may issue a hearing to determine if the person should be held in contempt of court and may order a further license suspension or revocation. The period of suspension or revocation under this section shall be added to any previously ordered suspension or revocation.

3 Reckless Driving; Minimum Penalty. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, fined not less than \$250 nor more than ~~[\$500]~~ **\$1,000** and his *or her* license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense. *After any revocation in which alcohol was involved, the court shall require that the license shall not be reinstated until after the division receives a certificate of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 6 months but no longer than one year.*

4 Negligent Homicide. Amend RSA 630:3, II to read as follows:

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 270:48, II, he causes the death of another. *An offender under this paragraph shall not have a license to drive reinstated until after the division receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for at least 24 months, or longer if so ordered by the court.*

5 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill revises the penalties for repeat DWI offenders to include ignition interlock systems for offenses involving alcohol.



**HB 1196-L**, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore. **OUGHT TO PASS**  
Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The Lincoln Police Department routinely responds to incidents that are reported to be in Lincoln, but upon arrival are actually found to be in the town of Livermore. Livermore is an unincorporated town that has no population. Police coverage is provided by the Grafton County Sheriff's Department or the state police. The time between the arrival of the Lincoln Police and an agency with jurisdiction can be as much as two hours. The Grafton County sheriff does not object to this bill and the committee feels it is appropriate. Vote 13-0.

**HB 1221**, directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training. **INEXPEDIENT TO LEGISLATE**  
Rep. Everett A. Weare for Criminal Justice and Public Safety: Following a hearing on this bill, a work session was held between members of the fire standards and training commission and other interested parties and it was determined that fire standards and training has the ability to engage in inquiries for the purpose of quality assurance. The fire standards and training commission will work with other groups to establish such a program, therefore, this bill is not needed at this time. Vote 12-0.

**HB 1476**, expanding the notification process for victims of crime. **INEXPEDIENT TO LEGISLATE**  
Rep. Leo P. Pepino for Criminal Justice and Public Safety: The sponsor had filed this house bill to solve a problem that he later discovered does not exist or has been solved. At the sponsor's request, the bill was voted inexpedient to legislate. Vote 16-0.

**HB 1478-FN-A**, establishing matching funds for certain candidates. **REFER FOR INTERIM STUDY**

Rep. Francis W. Davis for Election Law: HB1478-FN establishes a fund to provide matching funds to eligible candidates for governor, United States senator, and representative to Congress. This bill inserts language in forms for the business profits tax, business enterprise tax, interest and dividends tax, and motor vehicle registrations enabling contributions to the fund. The amount contributed would be \$10 on the business profits tax form and \$5 on the other forms. The committee voted unanimously to send HB1478-FN to Interim Study. The committee desires to study HB1478-FN with HB1526-FN, and to consider further provisions of both bills. Vote 16-0.

**HB 1399-FN**, relative to the amount payable by the retirement system on account of qualified group II retirees of a political subdivision employer. **INEXPEDIENT TO LEGISLATE**

Rep. Ray F. Langer for Executive Departments and Administration: This bill would have allowed political subdivisions to establish a health insurance plan that is portable, for their retirees. The New Hampshire Retirement System would send the medical subsidy checks to the designated plan. A representative of the municipal association and a firefighters association appeared in opposition to the bill. No one from the public spoke in favor of the bill. With no support from those effected, the committee voted not to pass this legislation. Vote 13-1.

**HB 1419-FN**, allowing teachers to purchase credit in the retirement system for certain service in an armed conflict. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill would allow only a teacher member of the retirement system, who has completed 10 years of active membership, to purchase additional service for time served in a war or armed conflict. The employer provides a retirement system to reward employees with a retirement benefit based upon the length of service and the rate of compensation for their work. The committee voted this inexpedient to legislate as the time served in active service in a war or armed conflict has nothing to do with their employment as a teacher and should not be used to enhance their retirement allowance. A similar bill during the 1999 session for employees was also recommended as expedient to legislate. There are two provisions in the present statutes that (1) cover active members that are called to duty in the military and (2) allow members to make additional contributions to their account, with the approval of the board of trustees. Vote 13-1.

**HB 1568-FN**, relative to disability retirement benefits for group II members injured in the performance of duty. **INEXPEDIENT TO LEGISLATE**

Rep. Ray Langer for Executive Departments and Administration: This bill reinterpreted the definition of disability as "ordinary disability" and removed the requirement that firemen, receiving a

permanent disability retirement allowance, must undergo a medical examination within 5 years and every three years thereafter. The committee felt that this action was discriminatory because the requirement now applies to all group I and group II members receiving disability allowance. Vote 13-1.

**HB 51**, providing for the voluntary registration of commercial maple producers and maple packers. OUGHT TO PASS

Rep. Steve Vaillancourt for Finance: This bill establishes a voluntary registration program which the Commissioner of Agriculture has assured the Finance Committee can be accomplished within the parameters of his current budget. The goal is to provide the department with a better handle on who is producing maple sugar. Since no additional personnel will be required and there is negligible cost to the state, the Finance Committee recommends the bill Ought to Pass. Vote 25-0.

**HB 580-FN-A-L**, authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination. OUGHT TO PASS

Rep. Susan W. Almy for Finance: The Finance Committee heard from the policy committee that the intent of this bill is to provide limited funds to bring together tourism organizations up and down the Connecticut River to market themselves as a tourist location. The money is already available in the existing Joint Promotional Program, which has agreed to this special one-time use for an underserved region. We have hit the deadline, and there is still a question as to whether the intent of the bill is fully expressed in the language, and both committees will follow the bill to the Senate to clarify this if further information makes it necessary. Vote 25-0.

**HB 725**, relative to rulemaking under the administrative procedures act. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph E. Stone for Finance: Finance and ED&A compromised and amended this bill as follows: The joint legislative committee on administrative rules shall meet at least once each month and more often as necessary. The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially-designated committee legal counsel, in the division of administrative rules established within the office of legislative services. Changes in services or staffing in the division shall be made by the joint committee on legislative facilities only after receiving the recommendation of the joint legislative committee on administrative rules. The joint legislative committee on administrative rules shall adopt rules to govern its operations and organization.

The amendment continues the role of the joint committee on legislative facilities in staffing decisions and levels within the context of the legislative budget. Vote 22-2.

#### Amendment (3244h)

Amend RSA 541-A:2, II as inserted by section 3 of the bill by replacing it with the following:

II. The *joint legislative committee on administrative rules* shall meet at least once each month and more often as necessary for the prompt discharge of its duties [~~and may use the staff and services of the director of legislative services~~]. *The director of legislative services shall provide services and shall employ full-time staff, including clerical support and specially designated committee legal counsel, in a division of administrative rules established within the office of legislative services. Changes in services or staffing in the division shall be made by the joint committee on legislative facilities only after receiving the recommendation of the joint legislative committee on administrative rules.* The *joint legislative committee on administrative rules* shall adopt rules to govern its operation and organization. A quorum of the committee shall consist of 6 members. Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

**HB 1573-FN**, relative to funding of the salary of the director of emergency medical services. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: Last year the legislature created an unclassified position for a director of emergency medical services, replacing the previously existing unclassified chief of emergency services within the Department of Health and Human Services. This bill specifies that funding for the new position shall be transferred from the appropriation that was made for the old position, as was intended in last year's bill. The amendment creates a category 11 (unclassified salaries) line in the appropriate section of the budget, so that the transfer can be made. Vote 24-0.

**Amendment (3195h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Class Line Established; Department of Safety. There is hereby established a class line 11, personal services-unclassified within an appropriate PAU of the department of safety, division of emergency medical services to which there is appropriated the sum of \$1 for the fiscal year ending June 30, 2000 and the sum of \$1 for the fiscal year ending June 30, 2001, for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

**AMENDED ANALYSIS**

This bill provides that initial funding for the salary of the new unclassified director of emergency management services in the department of safety shall be from funds appropriated for the salary of the former classified position of chief of emergency services of the department of health and human services, and makes an appropriation for this purpose.

**SB 178-FN-A**, relative to appropriations to the port authority for dredging projects. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: This bill makes certain money previously appropriated to the New Hampshire port authority available for dredging projects including associated mitigation, a hydrodynamic study of Hampton and Seabrook, and renovation of any commercial fish piers that may be transferred to the port authority. The N.H. Port Authority stated this bill as amended by the House will have no additional fiscal impact on state, county and local revenues or expenditures. Of the total, non-lapsing \$18,300,000 bonding authorization, approximately \$13,960,000 is still available. Vote 24-1.

**SB 228-FN**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. **OUGHT TO PASS**

Rep. Paul J. Dwyer, Jr. for Finance: This bill was written in order to take care of widows of police officers and firefighters who are left out in the cold due to the retirement member not electing to cover the spouse due to the amount of money that the retiree received when he retired. The bill will have a one-time cost of \$9.1 million for police and fire retirees that will come out of the N.H. Police and Fire special account in the state retirement system. There is no impact on the general fund. Vote 25-0.

Reps. Mock and Phinney declared conflicts of interest and did not participate.

**HB 1323**, relative to local public assistance to nonresidents. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: This bill would have made a resident of New Hampshire who invites a non-resident person who is unable to support himself or herself into their home, financially responsible for the non-resident for 30 days. The committee felt this would create a different class of residents and would open the cities and towns to new litigation. Vote 14-1.

**HB 1502**, establishing a committee to study procedures following lead paint abatement **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: As amended, the bill changes the definition of "lead inspector" in RSA 130A:1, XV. It divides the duty between 3 less skilled and lower paid occupations, thus making lead abatement less costly. This change also brings our statute in line with federal regulations in this regard. Vote 15-0.

**Amendment (3303h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to lead paint abatement.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition Amended. Amend RSA 130-A:1, XV to read as follows:



XV. "Lead inspector" means any person or entity engaged in inspections for the presence of lead base substances. ~~[The term includes individuals who design or evaluate lead base substance abatement projects.]~~

2 New Paragraphs; Definitions Added. Amend RSA 130-A:1 by inserting after paragraph XVI-a the following new paragraphs:

XVI-b. "Lead risk assessor" means an individual who conducts risk assessments, as defined in HE-P 1602.44, develops lead hazard reduction plans, as defined in paragraph XVI(a), and issues final risk assessment reports.

XVI-c. "Lead clearance testing technician" means an individual who conducts tests for the presence of surface dust, as defined in subparagraph XI(c), or lead in soil, as defined in subparagraph XI(b).

3 Lead Risk Assessors; Lead Clearance Testing Technicians. Amend RSA 130-A:2, I(a) and (b) to read as follows:

(a) License in accordance with RSA 130-A:12, I, or deny or revoke the licensure of, any lead inspector, *lead risk assessor*, or lead abatement contractor advertising, offering or otherwise making available services in the state of New Hampshire, whether or not the inspector ~~or~~, contractor, *or lead risk assessor* is incorporated in the state.

(b) Certify employees of owners or managers of dwellings, dwelling units, or child care facilities, and of lead abatement contractors, who are engaged in lead base substance abatement, or refuse to provide or revoke such certification. ~~[A] Separate [certificate] certificates shall be issued to workers who supervise [or design lead base substance abatement projects] other certified workers and to lead clearance testing technicians.~~

4 Lead Risk Assessors; Lead Clearance Testing Technicians. Amend RSA 130-A:2, I(h) to read as follows:

(h) Certify training programs for lead abatement contractors, lead inspectors, *lead risk assessors*, *lead clearance testing technicians*, and lead abatement workers.

5 Investigations; Lead Risk Assessors. Amend RSA 130-A:5, I(a) to read as follows:

(a) Requiring additional information and periodic reports from the child's health care provider, the owner or owner's agent of a leased or rented dwelling or dwelling unit occupied by a child, the owner or operator of any child care facility attended by the child, and any lead inspector, *lead risk assessor*, or lead abatement contractor involved in lead hazard reduction at the child's dwelling, dwelling unit, or child care facility.

6 Enforcement. Amend RSA 130-A:7, II(e) to read as follows:

(e) Responsibility for verification by a lead inspector *or lead risk assessor* of lead hazard reduction to the commissioner.

7 Lead Risk Assessor; Lead Clearance Testing Technicians. Amend RSA 130-A:9, II – VII to read as follows:

II. No person shall perform or cause to be performed a lead inspection *or lead risk assessment, as defined in HE-P 1602.44*, in a dwelling or dwelling unit or in a child care facility in any manner other than as provided for in rules adopted under RSA 130-A:10.

III. No child or pregnant woman shall be present in a leased or rented dwelling or dwelling unit, or in a child care facility, during the period of lead hazard reduction when the method of reduction causes the release of lead base substances which may be inhaled or ingested. The dwelling or dwelling unit or the child care facility shall not be reoccupied until an inspection is performed which indicates the lead exposure hazard has been reduced. The commissioner shall include this prohibition in any order issued under RSA 130-A:7.

IV. No person performing inspections *or lead risk assessments, as defined in HE-P 1602.44*, for the presence of lead base substances as a lead inspector *or lead risk assessor* after lead hazard reduction shall perform or have performed the lead hazard reduction.

V. No person shall advertise or otherwise offer or make available services as a lead inspector, *lead risk assessor*, or lead abatement contractor without being licensed under RSA 130-A:12.

VI. No person shall engage any individual for lead base substance abatement who has not been tested and certified under RSA 130-A:12. However, individuals not certified under RSA 130-A:12, II, may engage in activities related to a lead exposure hazard reduction plan, such as, but not limited to, installation of exterior siding, carpet or paving, or application of encapsulants, provided that the individual does not engage directly in lead based substance abatement and the plan is reviewed and approved by a contractor licensed under RSA 130-A:12, I.



VII. No training program shall be offered in this state for the purposes of training lead inspectors, *lead risk assessors*, lead abatement contractors, *lead clearance testing technicians*, or lead abatement workers that has not been certified under RSA 130-A:12.

8 Lead Risk Assessors; Lead Clearance Testing Technicians. Amend RSA 130-A:10 to read as follows:

130-A:10 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Qualifications and procedures for licensure of lead inspectors, *lead risk assessors*, and lead abatement contractors, in accordance with RSA 130-A:12. The rules shall provide for reciprocity with other states having similar standards.

II. Standards and procedures for the testing and certification of lead abatement workers *and lead clearance testing technicians*, in accordance with RSA 130-A:12. The rules shall provide for reciprocity with other states having similar standards.

III. The conduct of inspections and inspection standards for lead inspectors *and lead risk assessors*, including procedures for issuing certificates of inspection, certifications of compliance, and certifications when a dwelling or dwelling unit is found to be lead free, certifications when a dwelling unit is found to be lead safe and for the review and validation of such certificates or certifications by the department for any person who so requests.

IV. Fees to be collected for the issuance of licenses to lead inspectors, *lead risk assessors*, lead abatement contractors, for certification of lead abatement workers *and lead clearance testing technicians*, for testing resulting from investigations, for certification of laboratories, for certifications of training programs, and for notifications under RSA 130-A. Property owners who own more than 4 but fewer than 7 dwelling units shall pay a fee for licensure which is 1/2 of that paid by other lead abatement contractor licensees. Such reduced fee license shall only be valid for work on dwellings or dwelling units owned by such license holder.

V. Procedures for the conduct of investigations carried out under RSA 130-A:5, including the conduct of inspections and establishment of a blood lead level requiring an inspection.

VI. Procedures for issuing orders under RSA 130-A:7, including procedures for extending the time available for lead hazard reduction.

VII. Procedures for notification activities carried out under RSA 130-A:14.

VIII. Procedures for lead hazard reduction, in-place management, and interim controls for interior and exterior surfaces. The procedures shall include methods of abatement and the measures necessary to protect the health and safety of lead abatement workers and to control the release of lead base substances to the environment. The commissioner shall allow for the use of alternate procedures that result in the same level of protection as otherwise provided by the rules adopted under this chapter.

IX. A schedule of administrative fines which may be imposed under RSA 130-A:14 for a violation of this chapter or the rules adopted pursuant to it.

X. Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 130-A:14.

XI. Standards for training programs for lead inspectors, *lead risk assessors*, lead abatement contractors, *lead clearance testing technicians*, or lead abatement workers.

XII. Procedures for reporting of laboratory test results under RSA 130-A:3.

XIII. Standards and procedures for certifying laboratories performing tests to detect or measure lead in human body fluids or tissues.

XIV. Paints and other substances which may be approved as encapsulants.

XV. Standards and procedures for granting a variance from compliance with one or more provisions of RSA 130-A.

9 Lead Risk Assessor; Lead Clearance Testing Technician. Amend RSA 130-A:12, I –III to read as follows:

1.(a) A license to perform as a lead abatement contractor [or], lead inspector, *or lead risk assessor*, shall be issued in writing by the department in accordance with rules adopted under RSA 130-A:10, I. The license shall be valid for 12 months from the date of issuance, shall contain the expiration date, and shall contain the official signature of the commissioner or designee. The license or a certified copy of the license shall be available for inspection at any worksite during the period of work of the lead abatement contractor [or], lead inspector, *or lead risk assessor*.

(b) Any owner who owns 4 or fewer dwelling units shall not be required to obtain a lead abatement contractor license to perform lead abatement on such owner's dwellings or dwelling units, provided that such owner shall comply with all rules adopted under RSA 130-A:10, I.

II. Lead abatement workers *and lead clearance testing technicians* shall first obtain a certification from the department. The certification shall be issued in accordance with rules adopted under RSA 130-A:10, II. The certificate shall be in writing, shall be valid for a period of 12 months from the date of issuance, and shall contain the official signature of the commissioner or designee. The certificate or a certified copy of the certificate shall be available for inspection at any worksite where the individual is performing lead base substance abatement *or conducting clearance testing*.

III. Training programs offered in New Hampshire for lead abatement contractors, lead inspectors, *lead risk assessors*, and individuals seeking certification as lead abatement workers *or lead clearance testing technicians* shall first be certified by the department in accordance with rules adopted under RSA 130-A:10, XI. Such certification shall be in writing, shall be valid for a period of 12 months from the date of issuance, and shall contain the official signature of the commissioner or designee. The certification or a certified copy of the certificate shall be available for inspection during any period of training.

10 Risk Assessors Added. Amend RSA 130-A:13 to read as follows:

130-A:13 Notification Program. The commissioner may, if necessary, institute a program requiring the notification to the department of all inspections for lead base substances carried out by lead inspectors, *risk assessments carried out by lead risk assessors*, and of all lead hazard reduction activities conducted on child care facilities and on leased or rented dwelling and dwelling units, carried out by lead abatement contractors or by lead abatement workers. The program shall be conducted in accordance with rules adopted under RSA 130-A:10, VII, and the commissioner shall collect fees for notifications. The commissioner may conduct inspections of such activities as necessary to assure that the provisions of this chapter and rules adopted under it are carried out.

11 Effective Date. This act shall take effect 60 days after its passage.

**HB 1147**, relative to the right-to-know law and electronic communication. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: The committee voted inexpedient to legislate because this bill's subject matter will be studied in HB 1435. Vote 13-0.

**HB 1508-FN**, directing the attorney general to apply to the supreme court to convene a grand jury to investigate health care and insurance issues and practices. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Andrew R. Peterson for Judiciary: The committee had many serious concerns with the bill as written. However, in our deliberations we received an amendment from the sponsor to proceed with an inquiry via a chartered study committee. We believed this could be a forum for many important concerns which may yield beneficial insights into the internal dynamics of the health care business in the Granite State. Vote 14-0.

### **Amendment (3269h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a study committee on antitrust laws as they apply to hospital business practices.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study antitrust laws as they apply to hospital business practices.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study antitrust laws as they apply to hospital business practices.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a study committee on antitrust laws as they relate to hospital business practices.

**HB 1118**, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers and other resort facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara L. Spear for Public Works and Highways: The committee feels that the present procedure works well, and in many cases private projects are located on state property. The sponsors are sincere in their efforts to help the state, but the committee felt that the rural character of New Hampshire is best served by the current system. Vote 15-0.

**HB 1153**, establishing a committee to study and assess the impact on traffic on NH Routes 121 and 102 in Chester from the proposed interchange off exit 4A on Interstate 93 in Derry. **INEXPEDIENT TO LEGISLATE**

Rep. John P. Gleason for Public Works and Highways: The committee felt that a study of this nature is more appropriately addressed by a concerned community initiating a request for this service through its regional planning commission. This approach has been suggested to the bill sponsor and would be in step with the normal procedure for exploring situations that have a bearing on major public works projects such as a 4A exit on Interstate 93. The committee could understand the potential problems that may develop as a result of an additional exit from I-93. Local input to the regional planning process could make resolution to this problem much more effective than legislation action such as this. Vote 19-0.

**HB 1159**, establishing a committee to study the origins and destinations of truck traffic at the exit 3 truck stop in the town of Greenland. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth C. Shultis for Public Works and Highways: The committee supported the concept of studying the patterns and causes of truck diversions from the turnpike and highway systems by investigating the origins and destinations of truck traffic at the Exit 3 truck stop in Greenland, and referred the study to the Regional Planning Commission to study alternate access routes, and the feasibility of routing long distance truck traffic back onto the interstate highway system. Members of the committee felt that this process would allow more flexibility for the Regional Planning Commission to complete its study and to make recommendations. Vote 19-0.

**HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Gleason for Public Works and Highways: The committee has through this bill established a procedure for the exchange of highway maintenance on a class II to a class V highway between the state and town, applying to certain roads in the towns of Northfield, Tilton and Waterville Valley. Reclassification is subject to reconstruction by the state Department of Transportation. An amendment requires approval by the governing body of the applicable town or city. There was no opposition to this procedure at the public hearing. Vote 15-0.

### Amendment (3132h)

Amend the bill by replacing section 2 with the following:

2 Applicability. This act shall take effect 60 days after its passage or 60 days after completion of the reconstruction to be performed by the department of transportation, whichever is later; provided, however, that no reclassification provided for in section one of this act shall be effective until such time as the governing body of the corresponding municipality has voted to accept responsibility for the additional costs incurred by the reclassification of the road, consistent with part 1, article 28-a of the New Hampshire constitution.

**HB 1354-FN**, indexing the rate of the motor fuel tax to changes in the value of the dollar. **INEXPEDIENT TO LEGISLATE**

Rep. Robert A. Daigle for Public Works and Highways: The committee could see a lot of merit for this concept, however, this represents a major change in policy. More testimony was heard



in opposition than in favor. We feel the sponsor has floated this idea, and now if we continue to think about the concept, in a few years more people may realize the merits. Vote 17-0.

**HB 1489-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill would make a capital appropriation of \$93,000 for reconstruction and repair of the Monadnock Office Building's stone foundation which was weakened a couple of years ago by several ice chunks from the adjacent Sugar River. While the committee unanimously sympathizes with the sponsors' intent on this bill, it is one of the few bills this year calling for additional capital appropriations. Such an appropriation would call for more bonding from the general fund, the bond limit of which has been nearly reached with passage of the 1999 Capital Budget. Instead, the sponsors are encouraged to go through the 2001 Capital Budget process, among other options, to get the Monadnock building repaired. Vote 19-0.

**HB 1564-FN**, relative to the placement of certain signs. **INEXPEDIENT TO LEGISLATE**

Rep. William E. Leber for Public Works and Highways: This bill would require that the Department of Transportation seek input on the placement of a business directional from the owner of the property on which the sign is placed before placing such sign. No one testified on this bill, however, the sponsor forwarded a letter to withdraw the bill as the issue can be resolved in other ways and does not need legislation. Vote 19-0.

**HB 1614**, naming 2 bridges. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill names the bridge for the new circumferential highway bridge between Litchfield and Merrimack the POW/MIA Memorial Bridge. As amended, the new Manchester airport access road bridge will be the Pearl Harbor Memorial Bridge, and a suitable sign or plaque will be provided on such bridge by the Granite State Pearl Harbor Survivors Association. These bridges are still in the planning stages but the proponents have faith the bridges will be built and they propose the names to honor those who were held as POW or MIA and those who lost their lives at Pearl Harbor. The committee was assured the signs would be placed, as all other bridge naming proposals, by the sponsoring organizations at no cost to the state. The committee recognized the significant sacrifices by those to be honored and was unanimous in its support with the bill as amended. Vote 19-0.

#### **Amendment (3286h)**

Amend the bill by replacing section 1 with the following:

1 Pearl Harbor Memorial Bridge. Pursuant to RSA 4:43, the bridge on the Manchester airport access road is hereby named the Pearl Harbor Memorial Bridge. A suitable plaque may be placed on such bridge by the Granite State Pearl Harbor Survivors Association.

#### **AMENDED ANALYSIS**

This bill names the bridge for the new Manchester airport access road, the Pearl Harbor Memorial Bridge and the new circumferential highway bridge between Litchfield and Merrimack, the POW/MIA Memorial Bridge.

**HB 1170**, relative to recreational vehicle parking at property contiguous to certain motorsports facilities. **INEXPEDIENT TO LEGISLATE**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill would exempt private properties abutting certain motorsport facilities from state campground regulations on water supply, waste disposal and density of recreational vehicles for more than a seven day limited period. The exception was opposed by the municipality (Loudon). The committee agreed that there is insufficient justification for this precedent-setting exception. Vote 12-0.

**HB 1348-FN-L**, exempting the town of Sunapee from the payment for water rights for the hydroelectric plant of the Sugar River in the town of Sunapee. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill would exempt the town of Sunapee from payment for water rights which feed a hydroelectric plant. The amount paid to the Department of Environmental Services (DES) amount to approximately \$5,300. The town of Sunapee receives revenue of many times the fee. The sponsor argued that other plants on the Sugar River were not paying the fee. Representatives from DES stated that legal action is in progress to



get the fees from the other plants. These fees are an important source of revenue for the operation and maintenance of the dams. The committee felt it would be unwise to exempt any plants on the river from this needed fee. Vote 12-0.

**HB 1125**, protecting the confidentiality of telecommunications customer information. **INEXPEDIENT TO LEGISLATE**

Rep. Roy Maxfield for Science, Technology and Energy: The sponsor is commended for introducing this consumer information protection bill. The committee found that federal legislation already exists however, which provides for consumer confidentiality propriety. The New Hampshire Public Utilities Commission representatives also informed the committee that they have existing authority in this area to protect customer information. The telephone oversight committee will monitor service providers to insure compliance with federal and state regulations concerning the confidentiality of telecommunication customer information. Vote 15-0.

**HB 1310**, relative to the universal service fund. **REFER FOR INTERIM STUDY**

Rep. Donald B. White for Science, Technology and Energy: This bill is referred to interim study to allow the Public Utilities Commission the opportunity to study this case under its docket DT00-015 of January 27, 2000. The committee understands the heavy workload confronting the PUC so no date specific is sought for a complete report. Keeping the bill alive will allow for legislation if the PUC report indicates the necessity. Vote 15-0.

**HB 1524**, requiring all retail suppliers of electricity to disclose information regarding the environmental characteristics of the electric power in their resource mix, and establishing a committee to determine optimal ways to ensure that all electricity sold in New Hampshire conforms with acceptable environmental standards. **REFER FOR INTERIM STUDY**

Rep. Harold V. Lynde for Science, Technology and Energy. The purposes of this bill include 1) to have information on the environmental characteristics of electric generating units selling power within the state to provide to consumers wishing to purchase power from sources meeting certain characteristics (such as from renewable resources, low emissions of air pollutants, etc.), by requiring the Public Utilities Commission (PUC) to adopt rules as envisioned by RSA 374-F and, 2) to study ways of assuring all generating sources, including out-of-state sources that are offering power for sale within the state to conform to environmental standards acceptable to New Hampshire. The committee felt the first intent of this bill could be met by writing a letter to the PUC urging them to adopt rules for environmental disclosure as envisioned by RSA 374-F for those customers that now have retail choice (Granite State Electric and New Hampshire Cooperative) and the second intent, which was to conduct a study, would be met by referring the bill for interim study. Vote 16-1.

**HB 1616-FN**, relative to registration fees for certain construction equipment vehicles. **OUGHT TO PASS WITH AMENDMENT**

Rep. John W. Flanders, Sr. for Transportation: The bill is a follow up from legislation passed by this House last year. An unintended consequence arose from that legislation. A small glitch in the law resulted in many New Hampshire residents being overcharged for the registration fees on their construction equipment. This bill corrects these problems in two ways. First, the bill establishes one fee capped at \$25.00 for registration by the state for construction equipment vehicles, and secondly, provides a rebate of fees charged in excess of this fee that were charged as a result of Chapter law of 1999, 265:3. Vote 15-0.

**Amendment (3281h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Registration Fees for Construction Equipment Vehicles. Amend RSA 261:141, III by inserting after subparagraph (aa) the following new subparagraph:

(bb) For construction equipment as defined by RSA 259:42 — the exclusive fee charged by the state shall be \$25.

2 Rebate of Fees; Department of Safety. The commissioner shall, upon verified application, authorize the rebate of construction vehicle registration fees paid in excess of the fee set forth in section 1 for the period of time from September 10, 1999 to the effective date of this act. Such rebates shall be paid from the state fund into which the original fees were deposited.

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes one fee for registration by the state of construction equipment vehicles and provides for a rebate of fees paid in excess of this fee which were charged as a result of 1999; 265:3.

**HB 1152**, relative to the establishment of crossbow hunting seasons. REFER FOR INTERIM STUDY

Rep. Rose Marie Rogers for Wildlife and Marine Resources: The committee voted unanimously to place this bill in Interim Study. There was consensus with the Fish and Game Department that it was a good bill that had areas of mutual concern. Interim Study would afford the department and the committee time to address these concerns. All Interim Study meetings will be posted in the calendar. Vote 17-0.

## REGULAR CALENDAR

**HB 1363**, relative to grandparents' visitation rights. INEXPEDIENT TO LEGISLATE

Rep. David A. Bickford for Children and Family Law: This bill would create an open-ended grandparent visitation statute. The present statute requires a disruptive precipitating event in the grandchild's life as a precondition to suit. The committee felt it would be unjustified to attempt further infringement or intrusion upon the status of family life as a protected private sphere insulated from governmental intrusion. The committee further feels the bill might contradict the privacy rights inherent in the federal constitution, which are presently being challenged by the Troxel case from the state of Washington in the U.S. Supreme Court. A decision from that court is expected this year. Vote 13-1.

Reps. McRae and Young spoke against.

Reps. Bickford and Dowling spoke in favor.

Rep. Young requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 258 NAYS 72

## YEAS 258

## BELKNAP

Bartlett, Gordon  
Millham, Alida  
Thomas, John

Boriso, Thomas  
Pilliod, James  
Turner, Robert

Boyce, Robert  
Rice, Thomas  
Wendelboe, Francine

Czech, Stanley  
Rosen, Ralph  
Wood, Jane

## CARROLL

Bradley, Jeb  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

## CHESHIRE

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Richardson, Barbara  
Rose, William

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Riley, William  
Royce, H Charles

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Roberts, William  
Russell, Ronald

Doucette, Richard  
Lynott, Margaret  
Pratt, John  
Robertson, Timothy  
Smith, Edwin

## COOS

Davis, Perley  
Merrill, Gerald  
Woodward, David

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Mears, Edgar  
Tholl, John Jr

## GRAFTON

Akins, Ralph  
Densmore, Jessica  
Harrison, Hobart  
Phinney, William

Almy, Susan  
Eaton, Stephanie  
Marshall, Gene  
Picconi, Al

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Scanlan, David

Copenhaver, Marion  
Hall, David  
Nordgren, Sharon  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Ginsburg, Ruth	Goley, Jeffrey	Goulet, Maurice
Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston
McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim
Mercer, Robert	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, John	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Davis, Francis	Feuerstein, Martin
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Langer, Ray	Larabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Nichols, Avis	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	Dairympole, Janeen	Dearborn, Bruce	Dowling, Patricia
Downing, Michael	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Putnam, Ed II	Rabideau, Marie	Raynowska, Bernard
Ruffner, Walter	Sabella, Norma	Schanda, Frank	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Stone, Joseph	Tufts, J Arthur
Vaughn, Charles	Weare, Everett	Welch, David	Zolla, William

**STRAFFORD**

Berube, Roger	Bickford, David	Cossette, Larry	Dunlap, Patricia
Estabrook, Iris	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Vachon, Dennis	Vincent, Francis	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Burling, Peter	Jones, Constance	Kibbey, David	Leone, Richard
Robb-Theroux, Amy	Wiggins, Celestine		

## NAYS 72 BELKNAP

Holbrook, Robert	Johnson, James
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## CARROLL

Babson, David Jr	Dickinson, Howard
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## CHESHIRE

Manning, Joseph	Zerba, Roger
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## COOS

Gallus, John	Landers, Dana
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## GRAFTON

Alger, John	Brothers, Richard	Guest, Robert	MacNeil, Allen
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## HILLSBOROUGH

Barood, Benjamin	Batula, Peter	Burkush, James	Clemons, Jane
Cote, David	Dwyer, Paul Sr	Fields, Dennis	Garrish, Linda
Gorman, Mary	Hall, Betty	Hunter, Bruce	Jean, Loren
Lasky, Bette	Leonard, Peter	Martin, Mary Ellen	McRae, Karen
Melcher, Harold	Messier, Irene	Murphy, Robert	Pepino, Leo
Reidy, Frank	Simon, Anthony	Vaillancourt, Steve	White, Donald

## MERRIMACK

Daneault, Gabriel	French, Barbara	Jacobson, Alf	Kennedy, Richard
Owen, Derek	Rosenfield, Jay	Virtue, Carolyn	Yeaton, Charles

## ROCKINGHAM

Grant, Kenneth	Hamel, Albert	Kelley, William	Langley, Jane
Letourneau, Robert	Mikowski, Walter	Pitts, Jacqueline	Quandt, Marshall
Sapareto, Frank	Stritch, C Donald	Varrell, Thomas	Weatherspoon, Jackie
Weyler, Kenneth	Whittier, John		

## STRAFFORD

Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
Domingo, Baldwin	Musler, George	Pelletier, Arthur	Twardus, Joseph

## SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr	Phinizy, James
Tuthill, John	Young, David		

and the report was adopted.

### HB 1505-FN-L, relative to the formula for distributing school building aid. REFER FOR INTERIM STUDY

Rep. Brien L. Ward for Education: The committee believes the current building aid formula which was established in 1957 is antiquated and does not equitably fund the building needs of the state's school districts. We unanimously request that the recommendations of the proposed interim study be presented to the adequacy commission. Vote 15-1.

Adopted.

**CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that no felon, from the time of conviction until final discharge of sentence, shall vote in an election, become a candidate, or hold public office. **OUGHT TO PASS WITH AMENDMENT**

Rep. C. Donald Stritch for Election Law: The Election Law Committee recommitted this CACR 5 to make the language more precise regarding the voting rights of felons at members' request. This constitutional amendment to Part I, Article 11 of NH law now will provide a process for the legislature, if it so desires, to pass any legislation regarding the voting rights and methodology of such for convicted felons between conviction and final discharge of sentence. Vote 12-4.



**Amendment (3146h)**

Amend the title of the resolution by replacing it with the following:

RELATING TO: voting and elective rights of incarcerated felons.

PROVIDING THAT: any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 11 of the first part of the constitution be amended to read as follows:

[Art.] 11 [Elections and Elective Franchises.] All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he *or she* has [his] domicile. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. *Any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.* The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the nonpayment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office subject to the provisions of this article.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2000.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2000 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2000 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2000 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

**AMENDED ANALYSIS**

This constitutional amendment concurrent resolution provides that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

Adopted.

On a division vote, 282 members having voted in the affirmative and 44 in the negative, the report was adopted by the constitutionally required three-fifths.

**SUSPENSION OF RULES**

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of *CACR 5*, relating to voting and elective rights of incarcerated felons.

Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law. Adopted by the necessary two-thirds.

### THIRD READING MOTION ON CACR

Rep. Chandler moved that **CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law, be read a third time and passed.

On a division vote, 307 members having voted in the affirmative and 23 in the negative, **CACR 5**, was read a third time and passed by the constitutionally required three-fifths.

### Third reading and final passage

**CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

### REGULAR CALENDAR (CONT'D.)

**HB 335**, prohibiting the land application of sludge in reclamation areas. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Donald R. Philbrick for the Majority of Environment and Agriculture: This bill was recommended to the Environment and Agriculture Committee because information was brought forward relating to private well tests near a sand pit reclamation project in Sandown NH. The assigned subcommittee listened to testimony from town officials, concerned citizens, opponents of sludge spreading, Department of Environmental Services, experts on groundwater flow and representatives of the company involved in the landspreading. Testing procedures were reviewed as well as test results. The subcommittee voted 5-0 to recommend this bill ITL. The full committee then heard arguments and reaffirmed the subcommittee's recommendation of ITL. Vote 10-7.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: Most municipalities in this state do not generate the kind of sludge, which came from out of state and was spread at the Sandown gravel pit. Arsenic in that sludge can accumulate in an area with high background levels of arsenic. Arsenic raises the same concerns as MtBE and mercury. Landfill space is safer and available due to a recent private sector decision to limit out of state trash. The minority believes aggressive pre-treatment programs are the keys to keeping toxics from entering the sewage treatment systems. Municipal wastewater treatment plants can reduce the threat to aquifers and public municipal water supplies.

Reps. Betty Hall and Bruno spoke against.

Rep. Melcher spoke in favor and yielded to questions.

Rep. Dickinson requested a quorum count. The Speaker declared a quorum present.

Rep. Dickinson spoke against.

Rep. Leishman spoke in favor and yielded to questions.

Rep. Philbrick requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 216 NAYS 125

#### YEAS 216

#### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph

Boriso, Thomas  
Millham, Alida  
Thomas, John

Boyce, Robert  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine

#### CARROLL

Babson, David Jr  
Mock, Henry  
Torresen, Gary

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Harmon, Hobart	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Batula, Peter	Belvin, William	Bergin, Peter
Brundige, Robert	Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars
Clegg, Robert Jr	Clemons, Jane	Coughlin, Pamela	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Gorman, Mary	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Hunter, Bruce	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Potter, Frances
Poulin, Dave	Reardon, Tara	Rosenfield, Jay	Whalley, Michael

**ROCKINGHAM**

Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Griffin, Mary	Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman
Quandt, Marshall	Reardon, Neil	Ruffner, Walter	Schanda, Frank
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

### STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Cossette, Larry
DeChane, Marlene	Kaen, Naida	Knowles, William	Lundborn, Raymond
Musler, George	Rollo, Michael	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Vincent, Francis	Wall, Janet	Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr	Jones, Constance	Kibbey, David
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### NAYS 125

### BELKNAP

Czech, Stanley	Wood, Jane
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### CARROLL

Bradley, Jeb	Dickinson, Howard	Lyman, L Randy
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### CHESHIRE

Batchelder, Robert	Lynch, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Riley, William

### COOS

Landers, Dana

### GRAFTON

Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Gilman, G Michael
Guest, Robert	Hall, David	Ham, Bonnie	Hinman, Harry
Johnson, Gary			

### HILLSBOROUGH

Baroody, Benjamin	Beaupre, Roland	Bergeron, Lucien	Bruno, Pierre
Buckley, Raymond	Burkush, James	Chabot, Robert	Cote, David
Cote, Peter	Ford, Nancy	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Leonard, Peter	Lynde, Harold
Martin, Mary Ellen	McColgan, Philip Jr	McDonald, James Sr	Messier, Irene
Murphy, Robert	Pepino, Leo	Turgeon, Roland	Vaillancourt, Steve
White, John			

### MERRIMACK

Asplund, Bronwyn	Chase, George	Davis, Francis	French, Barbara
Gile, Mary	Jacobson, Alf	Moore, Carol	Owen, Derek
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

### ROCKINGHAM

Blanchard, MaryAnn	Case, Margaret	Clark, Martha	Dalrymple, Janeen
DiFruscia, Anthony	Dunham, Vivian	Flanders, David	Grant, Kenneth
Hamel, Albert	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Moore, Benjamin	Norelli, Terie	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Rabideau, Marie
Raynowska, Bernard	Sabella, Norma	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie

### STRAFFORD

Brennan, William	Brown, George	Callaghan, Frank	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard



Johnson, Nancy  
Rogers, Rose Marie  
Twardus, Joseph

Keans, Sandra  
Smith, Marjorie  
Vachon, Dennis

Lent, Donald  
Snyder, Clair

Pelletier, Arthur  
Spang, Judith

### SULLIVAN

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

Leone, Richard  
Wiggins, Celestine

and the majority report was adopted.

**HB 86-A**, making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jean R. Wallin for Finance: This bill, as amended, authorizes the division of parks to match with the park and other funds no more than \$53,000 donated by private sources to renovate the Sawyer House at the Daniel Webster Birthplace in Franklin. With demonstrations of early colonial life being presented by the managing Franklin Historical Society the location promises to be an attractive and self-supporting state park. There will be no impact on the general fund. Vote 22-0.

### Amendment (3313h)

Amend paragraph II as inserted by section 1 of the bill by replacing it with the following:

II. The sum appropriated to the department of resources and economic development in paragraph I shall be nonlapsing. The division of parks is authorized to match from the state park fund no more than \$52,590 donated by private sources as the source of funding for the sum appropriated.

Adopted.

Report adopted and ordered to third reading.

**HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT**

Rep. Vivian R. Clark for Finance: The only financial concern connected to this bill, which was already passed by the Environment and Agriculture Committee and by the House, dealt with potential increased expenses for testing to determine whether a suspicious substance was hemp, or marijuana. The amendment specifies that anyone in possession of hemp without appropriate permits and documentation, shall be subject to the same prosecution and penalties as if it were marijuana. This will obviate the need for additional testing and eliminate its additional expense. Vote 16-5.

### Amendment (3291h)

Amend the bill by replacing sections 1-2 with the following:

I New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 433-B the following new chapter:

### CHAPTER 433-C INDUSTRIAL HEMP

433-C:1 Purpose. The purpose of this chapter is to permit the development in New Hampshire of an industrial hemp industry, and to assure that production of industrial hemp is in compliance with state laws.

433-C:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner of agriculture, markets, and food.

II. "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particle board, plastics, seed, seed meal and seed oil for consumption, and certified seed for cultivation if such seeds originate from industrial hemp varieties.

III. "Industrial hemp" means all parts and varieties of the plant *Cannabis sativa*, whether growing or not, that contain a tetrahydrocannabinol concentration of one percent or less by weight and are cultivated or possessed by a licensed grower in compliance with this chapter.

IV. "Records" means all commercial documents related to the production of industrial hemp, including accounts, correspondence, declarations, purchase orders, registers, seed invoices and tetrahydrocannabinol (THC) concentration analysis reports, including all documentation required under this chapter and by any other state law regarding the growing and cultivation of industrial hemp.

V. "Tetrahydrocannabinol" means a *Cannabis sativa* L. by-product, found in the resin secreted by the plant, that imparts psychoactive properties to marijuana.

433-C:3 Industrial Hemp an Agricultural Product. Industrial hemp is an agricultural product which may only be grown, produced, possessed and commercially traded in New Hampshire pursuant to the provisions of this chapter.

433-C:4 Licensing; Application.

I. Any person or business entity wishing to grow industrial hemp shall be licensed as an industrial hemp grower by the commissioner. A license from the commissioner shall authorize industrial hemp growing only at a site or sites as specified by the license.

II. A license from the commissioner shall be valid for 24 months and may be renewed, but shall not be transferable. An application for a license shall be filed with the commissioner by January 1, and a license granted by the commissioner shall be issued by February 1 of the same calendar year.

III. To qualify for a license from the commissioner, an applicant shall demonstrate to the satisfaction of the commissioner, in a manner prescribed by the commissioner, that the applicant intends to and is capable of growing industrial hemp, and has adopted methods to ensure its safe production, which at a minimum shall include:

(a) Furnishing the commissioner with a guaranteed irrevocable letter of credit or a surety bond executed by a surety company authorized to transact business in this state, in the sum of not less than \$2,000, obtained for the sole benefit of any person suffering loss or damage from violations of this chapter, or of the state of New Hampshire to cover the cost of destroying any industrial hemp crop not in compliance with this chapter.

(b) Ensuring the integrity of the industrial hemp crop while it is in the field, which shall include filing with the commissioner the location and acreage of all parcels sown and other field reference information as may be required by the commissioner.

(c) Ensuring that all parts of the industrial hemp plant not entering the stream of commerce as hemp products, such as flowers and leaves, are destroyed or recycled at the place of production.

(d) Agreeing to the provisions of RSA 433-C:6, II and III, regarding inspections by the commissioner.

(e) Maintaining records that reflect compliance with the provisions of this chapter and with all other state laws regulating the planting and cultivation of hemp.

(f) Agreeing to the provisions of RSA 433-C:9, I, regarding testing of industrial hemp crop samples.

IV. Every industrial hemp grower shall maintain all production records for at least 3 years at the production site.

433-C:5 Seed; Importation.

I. The commissioner shall be the sole source and supplier of seed for use in industrial hemp production in the state. The commissioner shall by rule adopt measures to define, distinguish, and identify hemp as a plant variety consistent with the provisions of this chapter, secure all hemp seed under the control of the commissioner, and ensure that all hemp seed supplied to and used by growers is only the seed of the industrial hemp plant as defined in RSA 433-C:2, III.

II. An industrial hemp grower shall only use hemp seed obtained exclusively from the commissioner.

433-C:6 Administration; Inspection; Rules.

I. The commissioner shall administer and enforce the provisions of this chapter.

II. The commissioner is authorized to investigate compliance with this chapter, and shall have access, subject to the provisions of paragraph III, to all land, buildings, or places where industrial hemp is grown, kept, stored, or handled, and to all records relating to hemp production. The commissioner may take or require samples of up to 1/10 of one percent of the industrial hemp crop of an industrial hemp grower, to test the crop tetrahydrocannabinol content to ensure compliance with this chapter and to provide a basis for sanctions or suspension of an industrial hemp grower out of compliance. The commissioner may make copies of any records.

III. The commissioner shall have access to the properties and records specified in paragraph II during regular business hours upon the consent of the industrial hemp grower, or when the commissioner has substantial justification to believe that any industrial hemp grower who is licensed under this chapter is otherwise in violation of this chapter or rules adopted under it.

IV. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement this chapter.  
433-C:7 Revocation and Suspension of License; Enforcement.

I. The commissioner shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license in the following cases:

(a) If false or misleading information, statements, misrepresentation, or false or falsified documents have been submitted on or with an application or renewal for a license.

(b) If the industrial hemp grower fails to take any action required by the commissioner under the provisions of this chapter.

(c) If the commissioner has been informed and has verified that the license holder, or in the case of a corporation, cooperative or partnership, any of its officers, directors or partners, has a criminal record that includes within the previous 10 years:

(1) Any designated drug offense as provided in RSA 318-B:26; or

(2) If he or she ordinarily resides in a country other than the United States, an offense that if committed in the United States would constitute a designated drug offense.

(d) In the case of a corporation, cooperative or partnership, if any person who is less than 18 years of age is named as an officer, director or partner.

(e) If the holder of a license that was required to be submitted with the application no longer holds the license.

II. The commissioner may revoke a license where it is necessary to protect the security, safety or health of the public, if the commissioner has reasonable grounds to believe that the license holder has violated or failed to comply with any provision of this chapter or any rule adopted under it, or any condition of the license.

III. Revocation or suspension of a license may be in addition to any criminal penalties or fines imposed on an industrial hemp grower under other state law.

IV. Except as otherwise provided in this paragraph, any person who is in possession of industrial hemp without possessing a valid industrial hemp grower's license provided by the commissioner shall be subject to the penalty provisions of RSA 318-B:26, as if the industrial hemp were in fact prohibited marijuana. This paragraph shall not be construed so as to require any agent, servant, or employee of a person with a valid industrial hemp grower's license to possess or carry such a license when acting pursuant to such relationship.

433-C:8 Fee; Cost of Seed; Special Fund.

I. A fee shall be charged by the commissioner for each license granted to an industrial hemp grower under this chapter. The fee amount charged for the first growing season shall be \$10 per acre of land under cultivation, plus a sufficient amount for testing samples, if required by the commissioner. After the first growing season, the commissioner shall recommend a fee amount to the general court for its approval, to be used beginning with the growing season following the first growing season. All fee revenue shall be deposited in the special program fund established in paragraph III.

II. The commissioner shall by rule establish hemp seed prices to be charged growers under provisions of RSA 433-C:3. All proceeds of seed sales shall be deposited in the industrial hemp special program fund established in paragraph III.

III. An industrial hemp special program fund is established in the office of the state treasurer. All moneys in the fund shall be nonlapsing and continually appropriated to the commissioner and used to defray the cost of implementing this chapter.

433-C:9 Testing of Samples.

I. Every industrial hemp grower licensed under RSA 433-C:4 shall submit samples of the grower's industrial hemp crop to a certified independent testing laboratory at such times as the commissioner shall require by rules adopted under RSA 433-C:6. All costs of such testing shall be borne by the industrial hemp grower. Copies of test results shall be provided to the grower, the commissioner of agriculture, markets, and food, or designee, and the commissioner of safety, or designee.

II. The commissioner of agriculture, markets, and food shall adopt rules, pursuant to RSA 541-A, relative to the certification of testing laboratories.

433-C:10 Report. The commissioner shall by January 15 of each year report to the house environment and agriculture committee and the senate environment committee on implementation of this chapter and on the commercialization of industrial hemp in this state and elsewhere in the world, and recommend any changes to this chapter deemed appropriate.



2 New Subparagraph; Industrial Hemp Special Program Fund. Amend RSA 6:12, I by inserting after subparagraph (aaaa) the following new subparagraph:

(bbbb) Moneys received under RSA 433-C:8, which shall be deposited in the industrial hemp special program fund established in RSA 433-C:8, III.

### AMENDED ANALYSIS

This bill permits the production of industrial hemp in New Hampshire. A person or business entity wishing to grow and produce industrial hemp must be licensed by the commissioner of agriculture, markets, and food. The commissioner of agriculture, markets, and food will be the sole source and supplier of seed for use in industrial hemp production.

The commissioner of agriculture, markets, and food shall charge a fee for each license granted to industrial hemp growers. The revenue from these fees is to be used to defray the costs of licensing and regulating industrial hemp growers.

This bill grants the commissioner of agriculture, markets, and food rulemaking authority with respect to licensing and inspection of industrial hemp growers, identification and distinguishing of hemp as a plant variety, testing of industrial hemp crop samples, and certification of testing laboratories.

This bill establishes conditions under which the commissioner may or shall deny, suspend, revoke, or refuse to renew an industrial hemp grower's license.

This bill provides that a person in possession of industrial hemp without possessing a valid industrial hemp grower's license shall be subject to the penalty provisions of RSA 318-B:26, as if the industrial hemp were in fact prohibited marijuana.

Adopted.

Rep. Owen spoke in favor.

Reps. Welch and Scanlan spoke against and yielded to questions.

Reps. McRae and Robb-Theroux spoke in favor and yielded to questions.

Rep. Leishman spoke against.

Rep. Owen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 152 NAYS 192

#### YEAS 152

#### BELKNAP

Czech, Stanley

Holbrook, Robert

Rice, Thomas

Wood, Jane

#### CARROLL

Babson, David Jr

#### CHESHIRE

Batchelder, Robert

Burnham, Daniel

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meader, David

Mitchell, McKim

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Zerba, Roger

#### COOS

Landers, Dana

Mears, Edgar

Rodrigue, Robert

#### GRAFTON

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Guest, Robert

Hall, David

Ham, Bonnie

Harmon, Hobart

Johnson, Gary

Mirski, Paul

Nordgren, Sharon

#### HILLSBOROUGH

Ahern, Richard

Arnold, Thomas Jr

Arthur, Rose

Baroody, Benjamin

Bergeron, Lucien

Bruno, Pierre

Buckley, Raymond

Chabot, Robert

Clemons, Jane

Cote, David

Daigle, Robert

Desmarais, Vivian



Desrosiers, William	Drabinowicz, A Theresa	Dyer, Merton	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
Lasky, Bette	Lefebvre, Roland	Leonard, Peter	Lynde, Harold
Martin, Mary Ellen	McDonough-Wallace, Alice	McRae, Karen	Messier, Irene
Moriarty, Mary	Murphy, Robert	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	French, Barbara
Gile, Mary	Jacobson, Alf	Lockwood, Priscilla	Moore, Carol
Owen, Derek	Potter, Frances	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Clark, Vivian	Cox, Russell
Gibbons, Paul	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Kelley, Jane	McKinney, Betsy
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Rabideau, Marie
Raynowska, Bernard	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Vaughn, Charles
Weatherspoon, Jackie			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

**NAYS 192****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Johnson, James
Millham, Alida	Pilliod, James	Rosen, Ralph	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Phinney, William

Alger, John  
Hinman, Harry  
Picconi, Al

Brothers, Richard  
MacNeil, Allen  
Scanlan, David

Cobb, John  
Marshall, Gene  
Ward, Brien

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon Jr  
Cote, Peter  
Dokmo, Cynthia  
Fields, Dennis  
Franks, Suzan  
Herman, Keith  
LaPorte, George  
Lozeau, Donnalee  
McDonald, James Sr  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
Thulander, O Alan

Andrews, Frederick  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Durham, Susan  
Fletcher, Richard  
Gagnon, Eugene  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
Pappas, Marc  
Rowe, Robert  
Wall, Nancy

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Dalianis, Griffin  
Dwyer, Paul Sr  
Flora, Kathleen  
Goulet, Maurice  
Jean, Loren  
Leishman, Peter  
McCarty, Winston  
Melcher, Harold  
Mosher, William  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Beaupre, Roland  
Burkush, James  
Clegg, Robert Jr  
Daniels, Gary  
Emerton, Lawrence  
Ford, Nancy  
Hansen, Herbert  
L'Heureux, Robert  
Lessard, Rudy  
McColgan, Philip Jr  
Mercer, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Tate, Joan  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Hoadley, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Whalley, Michael

Asplund, Bronwyn  
Feuerstein, Martin  
Kennedy, Richard  
Leber, William  
Nichols, Avis

Brewster, Richard  
Hager, Elizabeth  
Langer, Ray  
Marple, Richard  
Poulin, Dave

Daneault, Gabriel  
Hess, David  
Larrabee, David Sr  
Marshall, Kenneth  
Reardon, Tara

**ROCKINGHAM**

Arndt, Janet  
Case, Margaret  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Kobel, Rudolph  
Mikowski, Walter  
Nowe, Ronald  
Quandt, Marshall  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Beaulieu, Jon  
Christie, Andrew Jr  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Langley, Jane  
Moore, Benjamin  
O'Neil, Michael  
Reardon, Neil  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Cooney, Richard  
Downing, Michael  
Flanders, David  
Grant, Kenneth  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John Sr  
Griffin, Mary  
Kelley, William  
Major, Norman  
Nowe, Mary Lou  
Putnam, Ed II  
Stickney, Nancy  
Verani, Giovanni  
Whittier, John

**STRAFFORD**

Berube, Roger  
Musler, George  
Woods, Phyllis

Callaghan, Frank  
Spear, Barbara

Cossette, Larry  
Torr, Franklin

Knowles, William  
Vincent, Francis

**SULLIVAN**

Flint, Gordon Sr  
Young, David

Jones, Constance

Kibbey, David

Leone, Richard

and the report failed.

Rep. Hager moved that **HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund, be Referred for Interim Study and spoke in favor.

On a division vote, 236 members having voted in the affirmative and 108 in the negative, the motion was adopted.

**HB 305-A**, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey. **OUGHT TO PASS**  
 Rep. Norman L. Major for Finance: This bill provides a lease purchase between Cheshire County (bonding agency) and the state for a new district courthouse serving the Jaffrey and Peterborough District Court. The current facility is in an old manufacturing building leased at a cost of \$48,000 per year. A private family is donating the land for the new court with a four-year time limit for construction of a court facility expiring in 2001. So if the state does not act soon, the donors may rescind their gift. This is the first priority for a district court from the judicial branch. The design is generic and as such would cost less to construct. The town has done environmental tests and engineering studies at its own expense. This project has been ongoing for more than 12 years. If Cheshire county and the state enter into a lease-purchase agreement, the county will issue bonds in the amount up to \$2,600,000 to pay the cost of construction of the courthouse. The state will pay rent to cover the county's repayment of the bonded construction cost over twenty years starting with the first year payment of \$283,712 declining to the last payment of \$137,475. The state will pay all operating costs for this facility, including maintenance costs, manpower for building and grounds maintenance, building security, and utilities. These operating costs are expected to total \$126,278. Current operating costs are \$53,230. The rent and operating costs will be charges against the general fund starting in FY 2002. Vote 23-1.  
 Report adopted and ordered to third reading.

**HB 405-FN**, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Mary Jane Wallner for Finance: The amendment to the bill adds the requirement that the Division of Children, Youth and Families prepare a biennial report about the effectiveness of the programs funded by the diversion incentive funds. It also delays until the next biennium the new formula for funding of these programs. Vote 20-0.

#### **Amendment (3273h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

Amend the bill by replacing all after section 1 with the following:

2 New Section; Services for Children, Youth, and Families; Report on Effectiveness of Juvenile Diversion Programs Required. Amend RSA 170-G by inserting after section 4-a the following new section:

170-G:4-b Report. In order to ensure the continuing successful use of limited financial resources, the department of health and human services, using existing department allocations and resources, shall establish quantitative behavioral measures to be used to study and evaluate the effectiveness of all programs funded with juvenile diversion incentive funds pursuant to RSA 170-G:4, XVI. Based on the results of biennial study, the department shall designate those programs which represent the best practices available, and shall publish and disseminate such results to the governor, the speaker of the house, the president of the senate, and to any associated departments or agencies no later than June 15 of each odd numbered year.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 2001.

II. The remainder of this act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill increases from 6 percent to 6 1/4 percent the amount of the annual appropriation for funding placement costs for juvenile diversion and alternative disposition programs within the department of health and human services. The bill also requires the department of health and human services to undertake a study of the effectiveness of all departmental programs funded by juvenile diversion funds.

Adopted.

Report adopted and ordered to third reading.

**HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David J. Alukonis for the Majority of Finance: The Majority of the committee concurs with the bill as previously amended by the policy committee and as passed by the House. The proposal changes the process in which regional vocational education facilities are planned and funded. This bill will require that each request for renovation and expansion follows the capital budget procedure which includes capital budget overview committee approval for each such project. While there is no direct fiscal impact as a result of this bill, the state will be responsible to provide no more than 75% of the funding for such renovation and expansion projects. Vote 15-10.

Rep. Jean R. Wallin for the Minority of Finance: Since 1973 the state has invested \$85,000,000 to assist a limited number of school districts in construction of 22 regional vocational centers and one regional program. \$60,000,000 of the bonds has been retired. This bill began as just another increase in the non-lapsing bond authorization to the Department of Education for building replacement centers or renovating the original buildings and equipment. The Public Works Committee removed the authorization and replaced it with an entirely new method of funding these centers. If this bill passes centers will have to compete for funding with all capital projects contemplated by the state, from the university to prisons. It is the fear of the minority that this will effectively result in all high schools building vocational education components thereby increasing the level of school building aid required. The centers immediately affected are Nashua, Keene, Berlin, Conway, and Concord.

On a division vote, 186 members having voted in the affirmative and 135 in the negative, the majority report was adopted.

Ordered to third reading.

#### **HB 648-FN, relative to a sludge testing program. OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Finance: This bill allows sludge testing just before application on randomly selected fields around the state. Depending on the levels of utilization of the municipal aid grants for wastewater treatment, up to \$85,000 per year will be transferred to the non-lapsing sampling and analysis of sludge or biosolids sample fund established by RSA 485-A:4, XVI-c, provided all approved state and grant payments have been made to eligible municipalities in each fiscal year. If the money is not available, the testing will not be done. The Finance amendment simplifies the language and enables the FY2000 transfer by changing the effective date. Vote 25-0.

#### **Amendment (3174h)**

Amend the bill by replacing sections 4 and 5 with the following:

4 Transfer of Appropriation. Up to \$85,000 each fiscal year that was appropriated for state aid grants by 1999, 159:1, PAU 03-04-02-01-02 shall be transferred to the non-lapsing sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all approved state aid grant payments have been made to eligible municipalities in each fiscal year.

5 Effective Date. This act shall take effect June 30, 2000.

Adopted.

Report adopted and ordered to third reading.

#### **HB 1200-FN, relative to the application of education property tax hardship relief to real estate trusts. OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: This bill extends the education property tax hardship relief for low and moderate income taxpayers established in HB 999 to estate planning trusts. This bill will allow taxpayers living on fixed incomes to qualify for this hardship relief if they have placed their houses in trust for estate planning purposes. The amendment requires that the applicant for relief provide documentation of ownership and tax returns for both the applicant and the trust to establish eligibility for this relief. It also makes it clear that relief applies to claimants who owned their homes prior to the passage of HB 999 and to those who filed their returns prior to the enactment of this bill. The amendment also removes the requirement that the applicant must have resided in the homestead for a year before making the application. Vote 16-5.

#### **Amendment (3296h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.



Amend the bill by replacing all after the enacting clause with the following:

1 Definitions; Homestead; Household Income. Amend RSA 198:50, II and III to read as follows:

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph, the term "owned" includes:

(a) A vendee in possession under a land contract ~~[and];~~

(b) One or more joint tenants or tenants in common; or

(c) *A person who has equitable title, or the beneficial interest for life in the homestead.*

III. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which a claim is made. *"Household income" shall also include all income of any trust through which the claimant holds equitable title, or the beneficial interest for life, in the homestead.*

2 Eligibility; Hardship Relief. Amend RSA 198:51, III(b) to read as follows:

(b) ~~[Has] Resided in such homestead [for a period of one year] as of November 3, 1999,~~ except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile;

3 Education Property Tax Hardship Relief. Amend RSA 198:51, VII to read as follows:

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the immediately prior tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. *A claimant who asserts ownership in a homestead because he or she holds equitable title, or the beneficial interest for life, in the homestead and who bears the burden of the education property tax assessed against the property shall also submit a copy of the document creating such interest and a copy of the federal tax return, for the immediately prior tax period, of the trust holding legal title to the homestead.* Any documents submitted shall be considered confidential, handled so as to protect the privacy of the claimant, and shall be destroyed after all appeal periods have expired.

4 Applicability. Sections 1-3 of this act shall apply to any claims for education property tax hardship relief filed on or after November 3, 1999 pursuant to RSA 198:50-55.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill clarifies the application of education property tax hardship relief to estate planning trusts and changes a residence requirement for eligibility for hardship relief.

On a division vote, 295 members having voted in the affirmative and 24 in the negative, the amendment was adopted.

Report adopted and ordered to third reading.

**SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. **WITHOUT RECOMMENDATION**

Rep. Hess moved to Commit the bill to the Committee on Municipal and County Government and spoke in favor.

Rep. Kurk spoke in favor.

The motion to Commit the bill to the Committee on Municipal and County Government was adopted.

**SB 135-FN**, relative to water supply land protection grants. **OUGHT TO PASS**

Rep. Franklin G. Torr for Finance: This bill establishes a water supply land protection grant program to assist in the acquisition of land and easements for the purpose of drinking water source protection. Matching grants would be available on a 25% state-75% local basis. Sufficient funds for the first year, \$1.5 million, have already been appropriated in the budget for FY2001. Appropriations thereafter would occur through the budget process. Vote 22-1.

Adopted and ordered to third reading.

**HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. **REFER FOR INTERIM STUDY**

Rep. Linda T. Foster for Municipal and County Government: In deference to a member who was absent during the executive session on HB 536, the Committee voted unanimously to re-consider its vote. The subsequent motion was to send the bill to interim study. The Committee realizes that the statewide policy implications of this bill were somewhat localized by the issues surrounding the proposed AES power plant in Londonderry. Among other issues which the Committee wishes to examine are the bill's implications as the last remnant of the stock in trade tax and any findings regarding the taxing of utilities brought forth by the Tax Equity and Efficiency Commission. Interim Study will allow the Committee to fully examine the many aspects and implications of this proposed legislation. Vote 15-1.  
Adopted.

**HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. **OUGHT TO PASS WITH AMENDMENT**

Rep. John P. Gleason for Public Works and Highways: The committee heard extensive and very graphic testimony as to the compelling need to widen Interstate 93 highway from Manchester to the Massachusetts border. This highway impacts New Hampshire's commerce and development more dramatically, and affects more people than any similar road in the state as it provides a north/south arterial route servicing a major area of the state. Since its construction in the early 1960s, this highway has generated traffic flow that has gone from 20,000 vehicles per day to a current level of 100,000 vehicles. The current two travel and one breakdown lanes in each direction just does not have the capacity to safely and effectively handle the high volume of traffic the road is subject to, especially during the Monday to Friday commuting hours. Numerous and frequent auto accidents occur on the 18 mile stretch, resulting in an alarming amount of injuries and fatalities. Inclement weather just compounds the problems that make this stretch of I-93 such a hazardous road. Although widening of this 18 mile section of I-93 is in the Department of Transportation's 10 Year Highway Plan currently slated to start in 2004, numerous environmental and engineering design considerations must be met and signed off on by state and especially federal regulatory agencies. The committee moved that the bill as amended direct that the Commissioner of the DOT shall give very high priority to the construction projects relative to widening of I-93 from Manchester to the Mass. border. Vote 15-0.

### **Amendment (3267h)**

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Priority Construction.**

I. The commissioner of the department of transportation shall give very high priority to the construction projects relative to the widening of Interstate 93 from Manchester to the Massachusetts border.

II. The commissioner of the department of transportation, excepting special appropriations, shall use previously and subsequently apportioned federal funds and previously and subsequently appropriated state funds for the projects under paragraph I.

III. The commissioner of the department of transportation shall take all necessary actions to ensure that the state of New Hampshire does not lapse or lose the federal funds.

2 Intent. The general court hereby urges the New Hampshire congressional delegation to take necessary actions for the prioritization of construction as set forth in section 1 of this act.

3 Applicability. Within 10 days of the effective date of this act, the house clerk shall send copies of this act to each member of the New Hampshire congressional delegation.

4 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill directs the commissioner of transportation to give the widening of Interstate 93 from Manchester to the Massachusetts border very high priority.

Adopted.

Report adopted and ordered to third reading.

**HB 1246**, relative to sign permits for non-tourist-related local businesses. **INEXPEDIENT TO LEGISLATE**

Rep. Candace W. Bouchard for Public Works and Highways: This bill would have provided the Commissioner of the Department of Transportation to adopt rules relative to sign permits for non-

tourist related local businesses, (the small blue signs) who are in remote, rural areas or who have unique geographical locations. After hearing testimony the committee felt that while the intentions of the sponsor were well intended, the effects of this bill would encourage a proliferation of advertisement signs of non essential tourist related signs along New Hampshire highways. The DOT opposed this bill. Vote 15-4.  
Adopted.

**HB 1372**, relative to open access over some cable facilities in public rights-of-way if used for 2-way telecommunications and if market share of certain users of those facilities is sufficiently large.  
**INEXPEDIENT TO LEGISLATE**

Rep. Jeb E. Bradley for Science, Technology and Energy: The committee held a 3-hour public hearing on HB 1372. It deals with Internet access over high speed or broadband cable television wires. Proponents of the legislation term this concept "open access" for different Internet service providers (ISPs). Opponents term the legislation "forced access." Proponents testified that cable companies deploying broad band technology should open their systems to all ISPs so that customers may have maximum choice of ISPs. Opponents testified that regulating the Internet by requiring open access would hamper development of the Internet, result in litigation, and would force cable companies to curtail deploying high speed Internet capabilities because of economic and regulatory uncertainty. There was testimony describing four different technologies that will be able to bring high speed Internet access into homes and businesses. First: the cable Internet systems proposed to be regulated by the bill. Second: telephone lines with enhanced capabilities for high-speed access called digital subscriber lines. Third: land based wireless facilities. Fourth: satellite facilities. The majority of the committee concluded that technological competition exists. The majority also concluded that this type of regulatory intervention of the Internet is not necessary at this time because high speed cable Internet access is new and has a very small percentage of actual Internet customers. However, there is legitimate concern that cable systems could in the future become closed to alternative ISPs. Prior to the announced merger of AOL and Time Warner, AOL had led the fight for open access through regulatory intervention. Subsequent to the merger announcement, AOL shifted its view on open access. AOL now maintains the Internet access should be achieved through marketplace forces, not regulation. ATT is one of the nations largest cable providers because of mergers with TCI and Media One. ATT has agreed in a letter to the Federal Communication Commission (FCC) to provide open access through marketplace solutions. ATT strongly reiterated that pledge in the public hearing by promising to work with companies such as Votts Networks. Should ATT not keep this commitment, it is likely this legislation will be reintroduced. However, what is also likely is that customers will demand choice of ISPs and that companies like ATT will have to satisfy that customer demand without regulation. The New Hampshire Software Association opposed this bill. They testified that adoption of this legislation would send the wrong signal about regulatory policy concerning the Internet to high tech companies, which employ 8% of the New Hampshire work force. The FCC has declined to propose this kind of regulation on a nationwide basis. Portland, Oregon and ATT are litigating the access issue in the Federal Appeals Court. Because of all these factors and because technology is evolving so rapidly, the majority of the committee believe this bill is not necessary at this time. Vote 14-3.  
Adopted.

**HB 505-FN**, establishing a special license plate for veterans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This is a bill that the committee has been working on for approximately two years. The majority of the committee felt that this bill as amended would give honorably discharged veterans the chance to obtain a plate designating they were a veteran. This would be a different plate than is currently given to 100% disabled veterans. The plate would cost the same as a regular license plate costs now. There would be a one-time fee of \$25.00 per set of plates to cover the start up, production and administrative costs. Vote 15-2.

#### **Amendment (3138h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Special Number Plates for Veterans. Amend RSA 261 by inserting after section 87-a the following new section:



261:87-b Special Number Plates for Veterans. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only upon application and proof of honorable discharge from the armed services, as evidenced by submission of a copy of the applicant's DD214 verification of service form, and upon payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plates fees otherwise required. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141.

2 Effective Date. This act shall take effect July 1, 2000.

#### AMENDED ANALYSIS

This bill provides for special number plates for vehicles driven by veterans.

Adopted.

Rep. Heon spoke in favor.

Report adopted and ordered to third reading.

#### **HB 1264-FN**, relative to the unlawful use of theft detection shielding devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 1264-FN deals with the unlawful use of theft detection shielding devices. Our committee felt that it should be illegal to possess or use a shielding device to assist in the crime of shoplifting or theft, but it should not be a class B Felony. The committee amended the bill to make the penalty a misdemeanor. Vote 17-0.

#### **Amendment (3243h)**

Amend the bill by replacing section 2 with the following:

2 Penalty for Use. Amend RSA 637:11, III to read as follows:

III. Theft constitutes a misdemeanor if the value of the property or services does not exceed \$500, *or if the act constitutes a violation of RSA 637:10-a.*

#### AMENDED ANALYSIS

This bill makes it a misdemeanor to use theft detection shielding devices or tools designed to remove theft detection devices.

Adopted.

Rep. Christie offered a floor amendment.

#### **Floor Amendment (3370h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Use or Possession of Theft Detection Shielding Devices and Theft Detection Device Removers. Amend RSA 637 by inserting after section 10 the following new section:

637:10-a Use or Possession of Theft Detection Shielding Devices and Theft Detection Device Removers.

I. A person commits unlawful use of a theft detection shielding device when he or she engages in the following acts:

(a) Knowingly manufactures, sells, offers for sale, or distributes a laminated or coated bag or device specially designed, marketed and intended to be used to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(b) Knowingly possesses any laminated or coated bag or device specially designed, marketed and intended to be used to shield merchandise from detection by an electronic or magnetic theft alarm sensor, with the intent to commit a theft.

II. A person commits unlawful possession of a theft detection device remover when he or she knowingly possesses any tool or device designed to allow the removal of any theft detection device from any merchandise, with the intent to use such tool to remove the detection device from the merchandise without the permission of the merchant or person owning or holding said merchandise.

III. Persons convicted of either the use or possession of theft detection shielding devices or theft detection device removers shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect January 1, 2001.



### AMENDED ANALYSIS

This bill makes the use or possession of theft detection shielding devices or theft detection device removers a misdemeanor.

Rep. Christie spoke in favor and yielded to questions.

Adopted.

Report adopted and ordered to third reading.

### MOTION TO SPECIAL ORDER

Rep. O'Hearn moved that **HB 1499**, relative to credit for American sign language and transliteration as a foreign language, be made a Special Order for Thursday, February 17, 2000 in the regular calendar order and spoke in favor.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1365**, relative to spending disclosures in political advertising. REFER FOR INTERIM STUDY Rep. Jane A. Clemons for Election Law: The committee felt that campaign finance reform is a subject that the general public is seriously focused on at this time. We would like to study this bill to ensure a strong reform that is constitutional as well as effective in attaining true campaign disclosure. Vote 16-0.  
Adopted.

**HB 1526-FN**, relative to campaign contributions and expenditures. REFER FOR INTERIM STUDY Rep. Francis W. Davis for Election Law: This bill was a request of the study committee on campaign finance reform. It was sponsored by seven of the eight committee members, including all four House members. It establishes a fund to provide campaign financing for eligible candidates for governor and councilor. Candidates qualify for financing by collecting a requisite number of \$5 contributions and complying with other provisions of the financing law. The candidate will then use money received from the fund instead of private contributions to finance the candidate's campaign. This bill increases the lobbyist registration fee to provide revenue for the fund. The committee voted unanimously to send HB 1526-FN to Interim Study. More work is needed on this legislation as a result of two recent court decisions regarding campaign finance. Vote 15-0.  
Adopted.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1105**, ratifying article 9 of the 1999 Seabrook annual town meeting. (Amendment printed SJ 2/10/00)

Rep. Hess moved that the House concur and spoke in favor.

Adopted.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit action beyond the February 10, 2000 deadline on: **HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor, **HB 735-FN-A**, establishing a contributory judicial retirement plan, **SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction and **SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor.

Reps. Chandler and Burling spoke in favor.

Adopted by the necessary two-thirds.

### RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 17, 2000 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 713-FN**, relative to penalties for multiple DWI offenses.

**HB 1196-L**, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore.

**HB 51**, providing for the voluntary registration of commercial maple producers and maple packers.

**HB 580-FN-A-L**, authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination.

**HB 725**, relative to rulemaking under the administrative procedures act.

**HB 1573-FN**, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

**SB 178-FN-A**, relative to appropriations to the port authority for dredging projects.

**SB 228**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system.

**HB 1502**, relative to lead paint abatement.

**HB 1508-FN**, establishing a study committee on antitrust laws as they apply to hospital business practices.

**HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley.

**HB 1614**, naming 2 bridges.

**HB 1616-FN**, relative to registration fees for certain construction equipment vehicles.

**HB 86-A**, making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

**HB 305-A**, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey.

**HB 405-FN**, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

**HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

**HB 648-FN**, relative to a sludge testing program.

**HB 1200-FN**, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.

**SB 135-FN**, relative to water supply land protection grants.

**HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

**HB 505-FN**, establishing a special license plate for veterans.

**HB 1264-FN**, relative to the unlawful use of theft detection shielding devices.

**RECESS MOTION**

Rep. Chandler moved that the House stand in RECESS for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports, only.

Adopted.

The House recessed at 1:35 p.m.

**RECESS**

**(Speaker Sytek in the Chair)**

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 1105.

Rep. Ronald Nowe for the Committee

**RECESS**

**(Rep. John Flanders in the Chair)**

**ENROLLED BILL REPORT**

Rep. Rollo offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 72, 97, 128, 136, 181, 185, 206, 210, 219, 226, 231, 313, 314, 318, 319, 325, 328, 331, 333, 335, 336, 340 through 342, 344, 348, 350 through 352, 356, 357,

362, 367 through 369, 372, 376, 377, 384, 390, 392, 402, 403, 407, 417, 434, 437, 442 and 449 and Constitutional Amendment Concurrent Resolutions numbered 20 and 23, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF SENATE BILLS and CACRs

### First, second reading and referral

**SB 72**, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws. (Resources, Recreation and Development)

**SB 97**, relative to charitable trusts which are institutional funds. (Commerce)

**SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

**SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. (Executive Departments and Administration)

**SB 181-FN**, relative to the licensure of geologists. (Executive Departments and Administration)

**SB 185**, relative to the partition of real or personal property. (Judiciary)

**SB 206-FN-A-L**, relative to distribution of tobacco settlement funds. (Finance)

**SB 210-FN-L**, relative to payment by the state for certain court-ordered placements of special education students. (Education)

**SB 219-FN-L**, establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor. (Education)

**SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission. (Executive Departments and Administration)

**SB 231**, relative to termination of water service from a water utility in the town of Pittsfield. (Resources, Recreation and Development)

**SB 313**, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. (Health, Human Services and Elderly Affairs)

**SB 314**, establishing a committee to study the feasibility of driver education programs by correspondence schools. (Transportation)

**SB 318-FN**, relative to proposed joint maintenance agreements. (Education)

**SB 319**, relative to interstate school districts. (Education)

**SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction. (Children and Family Law)

**SB 328**, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision. (Wildlife and Marine Resources)

**SB 331**, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation. (Resources, Recreation and Development)

**SB 333**, relative to signs for churches. (Public Works and Highways)

**SB 335**, allowing physicians to make a report when a person is unfit to drive a motor vehicle. (Judiciary)

**SB 336**, relative to the issuance of fire permits. (Criminal Justice and Public Safety)

**SB 340**, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting. (Municipal and County Government)

**SB 341**, extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists. (Executive Departments and Administration)

**SB 342**, extending the reporting date of the committee studying the impact of federal welfare reform on the cities and towns of New Hampshire. (Health, Human Services and Elderly Affairs)

**SB 344**, relative to appointment of housing consumers to housing authority boards. (Municipal and County Government)

**SB 348**, extending the committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. (Transportation)

**SB 350**, adding business development to the law governing industrial development authorities. (Commerce)



- SB 351**, making certain changes in the laws relative to fraternal benefit societies and health service corporations. (Commerce)
- SB 352**, repealing the equipment challenge grant program within the New Hampshire community-technical colleges. (Education)
- SB 356**, extending the committee to study and identify or establish the duties of the fish and game commission. (Wildlife and Marine Resources)
- SB 357**, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect. (Children and Family Law)
- SB 362**, relative to the length of buses and single unit vehicles. (Transportation)
- SB 367**, establishing a prescription drug access study committee. (Health, Human Services and Elderly Affairs)
- SB 368**, relative to insurance fraud. (Commerce)
- SB 369**, establishing a committee to conduct a study on the need for standards to protect health information privacy. (Commerce)
- SB 372**, relative to certain engineering businesses. (Executive Departments and Administration)
- SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages. (Science, Technology and Energy)
- SB 377**, relative to peer support programs within the department of health and human services. (Health, Human Services and Elderly Affairs)
- SB 384**, establishing a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge. (Environment and Agriculture)
- SB 390-FN**, relative to vested deferred retirement benefits for group II members. (Executive Departments and Administration)
- SB 392-FN**, relative to the use of nonlapsed funds by the regional community-technical colleges. (Finance)
- SB 402-FN**, relative to employee reimbursement for work-related expenses. (Labor, Industrial and Rehabilitative Services)
- SB 403-FN-A**, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms. (Environment and Agriculture)
- SB 407**, relative to dog licensure. (Environment and Agriculture)
- SB 417**, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits. (Executive Departments and Administration)
- SB 434**, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees. (Environment and Agriculture)
- SB 437**, relative to retail selling. (Commerce)
- SB 442-FN**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Labor, Industrial and Rehabilitative Services)
- SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises. (Finance)
- CACR 20**, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected. (Election Law)
- CACR 23**, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of moneys received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all moneys received from such income tax and all the interest received on such moneys shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such moneys shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Finance)



**SENATE MESSAGES****CONCURRENCE**

*HB 251*, relative to official ballot procedures.

*HB 375*, relative to substitutions for disqualified and deceased candidates.

**NONCONCURRENCE**

*HB 113*, affirming sovereign immunity as it relates to the Claremont ruling.

*HB 311-FN-A*, relative to grants made under the New Hampshire incentive program.

*HB 360-FN*, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.

*HB 470*, relative to settlement of personal actions.

**REFERRED FOR INTERIM STUDY**

*HB 109-FN-A-L*, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

*HB 314*, relative to the escrowing of certain utility payments.

**CONCURRENCE WITH AMENDMENTS**

*SB 89-L*, relative to library trustees.

*SB 228*, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system.

**RECESS**

**(Rep. Keith Herman in the Chair)**

**ENROLLED BILL AMENDMENT**

*SB 228-FN*, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. (Amendment printed SJ 2/17/00)  
Adopted.

**RECESS**

**(Rep. Wendelboe in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 422, House Joint Resolution 6 and Senate Bills 36, 89 and 222.

Rep. Ronald Nowe for the Committee

**RECESS**

**(Speaker Sytek in the Chair)**

**COMMITTEE ASSIGNMENTS**

Rep. Dennis F. Abbot on Finance.

Rep. Mary M. Ouellette, on Election Law; off Environment and Agriculture.

Rep. Steve Vaillancourt on Environment and Agriculture; off Finance.

Rep. Whalley moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 7**

Thursday, February 17, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Almighty God, Ruler of all the peoples of the earth: Forgive, we beseech Thee, our shortcomings as a nation; purify our hearts to see and love truth; give wisdom to our counselors and steadfastness to our people; and bring us at last to that fair city of peace whose foundations are mercy, justice and good-will, and whose Builder and Maker Thou art. Amen.

Reps. Kobel and Spear led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Chabot, Patricia Cote, Curran, Franks, Holley, LaMott, McColgan, McRae, Moriarty, Irene Pratt, Rosen and Searles, the day, illness.

Reps. Brothers, Crosby, Perley Davis, Densmore, Fraser, Ham, Harmon, Richard Herman, Hoadley, MacNeil, McKinley, Perkins, Priestley, Rice, Rodd, Marjorie Smith, Torr, Tsiros, Weber, Withee and Young, the day, important business.

Rep. Beaulieu, the day, death in the family.

Reps. Asplund, Dawe, Flora and Mirski, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Ann Friend, guest of Rep. Shultis. Linda and Julie McNamara, guests of Rep. Reeves. Lynda Horsley, fiancée of Rep. Hunt. Michael, Libby and Iva deMartelly guests of Rep. Lynott. Officers of the New Hampshire Association of Counties, guests of the House. Visitors from Severodvinsk, Russia, guests of the Portsmouth delegation.

**SPECIAL GUESTS**

The Timberlane Regional High School Football Team, guests of the House.

**SENATE MESSAGES****NONCONCURS WITH AMENDMENT****REQUESTS COMMITTEE OF CONFERENCE**

***SB 186-FN***, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

The President appointed Sens. John King, Frederick King and Wheeler.

Rep. Mercer moved that the House Accede.

Adopted.

The Speaker appointed Reps. Dyer, Mercer, Holbrook and Lynch.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

***HB 228***, clarifying permissible political expenditures. (Amendment printed SJ 2/10/00)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clegg, Horton, Letourneau and Clemons.

***HB 640-FN***, relative to grievance procedures of managed care organizations. (Amendment printed SJ 2/10/00)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

## REMARKS

Rep. Burling moved that the remarks made by Rep. Hunt and Speaker Sytek be printed in the Journal.

Adopted.

Rep. Hunt: With great pleasure, I ask you to concur with this amendment. House Bill 640 has a title that is rather simple but the bill has great consequences. This is HMO reform like no other that has been passed in any state. For the first time, the medical director of an HMO has the same accountability as your practicing physician. I hope you will support the recommendation to concur. I would also point out that there are some other amendments in this bill but the vast majority of the work on this bill was done on House Bill 637 which is now sitting on the table. The work on this bill was done by the House, even though we are concurring with a Senate amendment. I am proud to say the work on this bill was done by the Commerce Committee and I would like to recognize some of the people who worked on this bill: my esteemed Democratic leader, Martha Fuller Clark, Kathleen Taylor, Keith Herman and Sheila Francoeur. We had many, many sessions on this bill and I am very proud of the work that the House has done and I hope you will concur.

Speaker Sytek: I would like to ask the members of the Commerce Committee to please stand and be recognized for your hard work. The House may remember that this is the bill that was a tie vote and the Chair cast a vote in favor of it. After that, I asked the Chairman to work on this bill so that we could get a more broad agreement. They had 22 meetings and hammered-out a compromise that enjoyed a unanimous vote of the committee. Their compromise was adopted as the Senate amendment. The work was done in the House as was noted earlier. Every one of you should be proud of the members of your Commerce Committee and proud that today we passed an HMO accountability bill as a result of people working together toward a common goal. If we do nothing else this session, we can go back to our constituents and demonstrate that when we agree on a common goal we can get results. Today is a proud day for the New Hampshire House and especially for the Commerce Committee of both parties who worked to do this. Congratulations.

## COMMITTEE REPORTS

## CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1456**, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment, removed by Rep. Jacobson.

**HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss, removed by Rep. Sullivan.

**HB 1487-FN-L**, reducing the interest rate on delinquent property tax payments and subsequent tax payments, removed by Rep. Vaillancourt.

**HB 1433**, relative to notice to abutters by the department of transportation of proposed construction projects, removed by Rep. Alger.

**HB 1103**, relative to the number of motor vehicle dealer plates, removed by Rep. Robertson.

**HB 1230**, abolishing the requirement that purchasers of new motor vehicles must surrender the certificate of origin to the department of motor vehicles, removed by Rep. Marple.

**HB 1266-FN**, relative to classification of and standards for custom vehicles manufactured during or after 1949, and establishing special plates for such vehicles, removed by Rep. Francis Davis.

Consent Calendar adopted.

**HB 1217**, establishing a committee to study marriage preparation. **INEXPEDIENT TO LEGISLATE**  
Rep. Barbara H. Richardson for Children and Family Law: The committee believes this is an important bill. However, a study committee was believed to be extremely difficult during this year. The committee hopes the prime sponsor of this bill will form an ad hoc committee to consider this subject and propose a bill for next session. Vote 11-1.

**HB 1542-FN-L**, establishing a parents bill of rights. **INEXPEDIENT TO LEGISLATE**  
Rep. Laura C. Pantelakos for Children and Family Law: A part of the language in this bill is currently state law. The committee felt that the remainder deserves attention and intends to address the issue when studying HB 1533, the Child Protection Act. Vote 14-0.

**HB 1134**, establishing a committee to study mental health care treatment under managed care plans. **OUGHT TO PASS**

Rep. Martha Fuller Clark for Commerce: The committee heard overwhelming testimony as to the need for studying the many aspects of mental health which are defined in this bill. In particular, the New Hampshire Department of Insurance representative testified that they continue to receive an inordinate number of complaints concerning both access and coverage for mental health. Mental health benefits have been cut back severely at the same time that one in five patients is being diagnosed with mental health problems. Nearly everyone who testified agreed that New Hampshire's parity law is not working. Confidentiality is also an issue for mental health patients. The committee voted unanimously in favor of establishing a mental health study committee as requested in this bill. Vote 12-0.

**HB 1318**, requiring a waiting period before the retail price of home heating or motor vehicle fuel is increased in certain circumstances. **OUGHT TO PASS WITH AMENDMENT**

Rep. Linda L. Garrish for Commerce: The committee heard compelling and disturbing testimony regarding this winter's dramatic increase in fuel prices. This bill as amended creates a study committee on the issue of fuel supply and demand within the New England region, and its impact on consumer prices. Further, this study committee will look at possible recommendations for providing better price protection for consumers in New Hampshire. Vote 12-0.

#### **Amendment (3348h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

2 Membership and Compensation.

1. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the instability of prices for kerosene, gasoline, diesel fuel, and home heating fuel due to changes in supply and demand within the New England region, and make recommendations toward providing better price protection for consumers.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill establishes a committee to study the instability of prices for kerosene, gasoline, diesel fuel, and home heating fuel due to changes in supply and demand within the New England region, and make recommendations toward providing better price protection for consumers.

**HB 1359**, limiting fees charged for use of electronic customer service terminals. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would have limited the total charge for an ATM transaction to \$1.00. The bill would only apply to state-chartered banks and not federally or nationally-chartered institutions. The bill would also not apply to owners of cash dispensing machines which usually charge more than \$1.00 per transaction. The committee felt that limiting fees on ATM machines would limit or reduce the number of machines currently located in more rural areas, and felt that most consumers are willing to pay for the convenience of easily accessing their money 24 hours a day. Vote 15-0.



**HB 1364**, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill was to establish a study committee on student credit card debt and to regulate commercial solicitation on college campuses. The committee feels young adult credit card debt is a growing concern in the State of New Hampshire and around the nation. A major coalition of the New Hampshire banking industry, education and public officials will be meeting on March 14, 2000 at New Hampshire College in Manchester to address money management and personal financial literacy concerns around young adults. The National Jump-Start Coalition, a national non-profit group who addresses personal finance issues, will be spearheading this effort in March. It is the committee's belief that the New Hampshire Jump-Start Coalition would be an ideal place to study student credit card debt first, and later future recommendations could be brought back to the legislature. Vote 12-0.

**HB 1384**, relative to consumer liability for charges made with a stolen credit or debit card. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill would have removed consumer liability by a creditor or debit card issuer for more than \$50.00 when such a consumer's credit or debit card or the number of such card is stolen and used to make charges unauthorized by the consumer. Presently, most credit card companies will hold individual card owners responsible up to \$50.00 if the credit card is stolen but not if the pin number of such cards is compromised. Upon knowing the latter, the prime sponsor withdrew his bill and support. Vote 12-0.

**HB 1396**, relative to interest rates on credit cards. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would have placed a maximum rate of interest on credit cards to 6 percentage points above the prime interest rate. The bill would only affect one financial institution in the state and would thus have no effect on the majority of all credit cards owned by NH customers. Vote 15-0.

**HB 1466**, relative to disclosure by banks, trust companies, guaranty savings banks, mutual savings banks, savings and loan associations, building and loan associations, and cooperative banks under the supervision of the bank commissioner, of consumer rights and remedies. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would require state-chartered banks to disclose account and loan information to their customers on an annual basis. The committee agreed that between state banking laws and federal banking laws and regulations, banks are already required to provide consumers with the disclosure information included in HB 1466. The committee felt that the bill would be a duplication of effort and a significant compliance expense that would affect state-chartered banks only. Vote 15-0.

**HB 1474-FN**, establishing a "no sales solicitation calls" list. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill requires the secretary of state to compile and maintain a list of persons who do not wish to receive telephone sales solicitation calls. The bill prohibits any commercial telephone sellers from calling any person whose name appears on the list. The committee felt the Federal Trade Commission is currently doing a comprehensive study on this issue, and we should wait until the results came back to the states. This bill as written would require a \$32,800 expenditure in the first year. The committee felt there are enough educational tools such as the customer safety and protection tips in our phone books to help handle unwarranted calls. Vote 14-0.

**HB 1137**, relative to bingo and lucky 7 volunteers. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: HB 1137 can be interpreted to mean volunteers or professional workers will be able to operate or work bingo games. The committee was concerned with the undefined generic use of the words "persons" and "or otherwise", which can be interpreted a number of different ways. This new language is contradictory to RSA 287-E: 7, I(a) and could only add confusion to the enforcement of these laws. The current statutes are written to allow charitable organizations to operate bingo games as a fundraiser and to assure maximum proceeds to the charity at a minimum expense. Vote 11-1.

**HB 1257-FN**, prohibiting the sale of urine for drug testing purposes. INEXPEDIENT TO LEGISLATE

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill seeks to make the sale of altered urine products for the purpose of fraud a criminal act. The bill directs criminal penalties at suppli-

ers of the product, many of whom are out of state, rather than the fraudulent users of the products. Monitoring of fraudulent use and tracking down interstate suppliers for enforcement purposes would be an onerous task. Pursuing legal action against providers would often extend beyond the geographic and legal jurisdiction of this state. Other details of the bill raised concerns about privacy and constitutional issues. Vote 12-0.

**HB 1374**, extending the reporting date for the sex offender issues study committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: As the sex offender study committee established by the legislature last year was only able to hold six meetings, the committee unanimously agreed to extend its life for another year. As attendance at those meetings was mainly by the appointed house members, it was determined that by adding three more house members, participation would likely increase. At the same time, this might also increase more diverse viewpoints and constructive suggestions. Vote 13-0.

**Amendment (3340h)**

Amend the bill by inserting after section 1 with the following and renumbering the original section 2 to read as 3:

2 Membership. Amend 1999, 89:2, I(a) to read as follows:

(a) [~~Four~~] *Seven* members of the house of representatives, one of whom shall be from the criminal justice and public safety committee and one of whom shall be from the judiciary committee, appointed by the speaker of the house.

**HB 1407**, establishing a committee to study the development of standards of conduct governing the reporting of cases of domestic violence by individuals in certain occupations and professions. **INEXPEDIENT TO LEGISLATE**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: The sponsor agrees that his concerns are already covered and standards are currently in place. He agrees to inexpedient to legislate. Vote 13-0.

**HB 1497-FN-L**, granting female prisoners in-state access to the same type of rehabilitation programs available to male prisoners. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The committee was told that all programs available to males are available to females with the exception of the sex offenders program. For that, the female has to go to a Massachusetts's facility. There are presently only two or three females requiring this treatment. The sex offender program at the Concord men's prison has only 4 staff members and over 100 men on the waiting list. Women's treatment programs are very new with about 4 treatment programs in the country. The committee felt that it was more feasible to continue to send the very few eligible women to the state of the art program in Massachusetts instead of trying to find funding to develop a special program here. Vote 13-0.

**HB 1530**, relative to the reporting requirement for criminal offenders. **INEXPEDIENT TO LEGISLATE**

Rep. James M. Johnson for Criminal Justice and Public Safety: The committee finds that expungement has the same meaning as the word annulment. Annulment of a violent criminal offence, (i.e. felonious sexual assault) is forbidden under provisions of RSA 651:5, XIII (c). Vote 12-1.

**HB 1556-FN-A**, establishing a tax on the retail sale of fireworks and making appropriations to the division of fire standards and training. **REFER FOR INTERIM STUDY**

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill attempts to provide a method of funding for satellite training, fire fighters certification, and purchasing of training aids by taxing the sale of fireworks. There was some objection to using fireworks as a method of funding fire training. There is a scheduled meeting with the fire service planned in June 2000, where the method of funding can be discussed and a viable and agreeable method of funding can be finalized if necessary. Vote 12-1.

**HB 1283**, establishing a commission on the education of the deaf in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: The committee agrees that there is a need to study issues related to the education of the deaf in New Hampshire. The amendment adds "hard of hearing" where "deaf" is mentioned and it also adds "or its successor" following "ASSETS", which is an organization which has a contract with the Department of Education. Vote 15-0.

**Amendment (3337h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a commission on the education of the deaf and hard of hearing in New Hampshire.

Amend the bill by replacing section 1 with the following:

I. Commission Established on the Education of Deaf and Hard of Hearing Persons in New Hampshire. There is hereby established a commission on the education of deaf and hard of hearing persons in New Hampshire. The commission shall, in addition to performing the duties set forth in RSA 200-C:19, have the following duties which shall include, but are not limited to:

I. The study of certification procedures for teachers of the deaf and hard of hearing in New Hampshire.

II. The study of certification standards and procedures for educational interpreters.

III. A review of the current status of support services for the deaf and hard of hearing in New Hampshire.

IV. Determination of the feasibility of establishing regional centers and schools for the deaf and hard of hearing.

V. An assessment of pre-service training issues as related to the curriculum of college and university level students training to become professionals in various support service fields for the deaf and hard of hearing.

VI. A review of instructional practices used to educate deaf and hard of hearing citizens in other states.

VII. The study of any other issue relevant to the education of the deaf and hard of hearing deemed necessary by the commission.

VIII. The review, and revision as deemed necessary, of the program for the deaf and hard of hearing pursuant to RSA 200-C:18 through RSA 200-C:20-a.

Amend paragraph III as inserted by section 2 of the bill by replacing it with the following:

III. The commission shall solicit input and assistance from a representative of ASSETS, or its successor, who, in consultation with the university system of New Hampshire and the New Hampshire Colleges and University Council, shall provide advice on relevant matters as deemed necessary by the commission. The commission may solicit advice and input from any individual it deems appropriate in furtherance of the duties and objectives enumerated in this act.

**AMENDED ANALYSIS**

This bill establishes a commission on the education of the deaf and hard of hearing in New Hampshire to study issues related to the current status of education and support services for the deaf and hard of hearing in the state. The bill also establishes a sunset date of November 1, 2002 for the commission.

**HB 1362-L**, relative to the reconsideration of cost apportionment within a cooperative school district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: This bill is a technical change to clarify the law governing co-op schools. The amendment changes the sections for co-ops formed before 1963 and afterward, to make clear that reconsideration of cost apportionments can be done "anytime", five years after the last change. Vote 16-0.

**Amendment (3346h)**

Amend the bill by replacing all after the enacting clause with the following:

I Cooperative School Districts; Five-Year Period Reconsideration Amended. RSA 195:8 is repealed and reenacted to read as follows:

195:8 Reconsideration Procedure. If a cooperative school district was organized prior to July 1, 1963, the basis for the apportionment of all such costs may be subject to review, pursuant to an article for that purpose duly inserted in the warrant for a district meeting to be held at any time after the expiration of the 5-year period measured from the date of the first annual meeting. If the apportionment formula for a cooperative school district has been duly changed, the basis for the apportionment of all such costs may be subject to review, pursuant to an article for that purpose duly inserted in the warrant for a district meeting to be held at any time after the expiration of the 5-year period measured from the date of the meeting at which the last change was made to the cost



apportionment formula. In either case, the cooperative school district may then by majority vote elect to apportion all such costs by the adoption of one of the formulas set forth in RSA 195:7, I(a), (b), or (c). Such apportionment may be reviewed in the same manner at any time in order to permit the enlargement of the territory of a school district or an increase in the number of grades for which the district shall be responsible.

2 Cooperative School Districts; Procedure for Formation; Process for Reconsideration Amended. Amend RSA 195:18, III(i) to read as follows:

(i) The method by which the articles of agreement may be amended with the approval of the board; except that no amendment may permit secession of territory ~~[and]~~. The provisions adopted under either subparagraph (e) or (g) above may ~~[not be amended prior to the expiration of 5 years from the date of the first annual meeting of the cooperative school district, or thereafter, within 5 years following the adoption of any amendment to such provisions respectively; but]~~ *be subject to review pursuant to an article for that purpose duly inserted in the warrant for a district meeting which may be held at any time after the expiration of the 5-year period measured from the date of the first annual meeting. If the apportionment formula for a cooperative school district has been duly changed, the basis for the apportionment of all such costs may be subject to review pursuant to an article for that purpose duly inserted in the warrant for a district meeting which may be held at any time after the expiration of the 5-year period measured from the date of the meeting at which the last change was made to the cost apportionment. However,* such provisions may be amended at any time in order to permit the enlargement of a cooperative school district or an increase in the number of grades for which the cooperative school district shall be responsible.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that the cost apportionment formula within a cooperative school district may be subject to review at any time after the expiration of the 5-year period measured from the date of the first annual meeting. Subsequently, if the cost apportionment formula is duly changed, the basis for such apportionment may be reviewed at any time after the expiration of the 5-year period measured from the date of the meeting at which the last change to the formula was made.

**HB 1114-FN**, relative to creditable service in the retirement system for teachers in a job-sharing position. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Murphy for Executive Departments and Administration: This bill will continue the present practice of how teachers serving in a job share position earn their creditable service in the retirement system. The amendment defines the credit they will receive for the medical subtrust subsidy. Vote 15-0.

#### Amendment (3406h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Teachers Creditable Service; Job Sharing; Payment of Medical Benefits. Amend RSA 100-A:53-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at ½ of one year of such service credit.

3 Effective Date. This act shall take effect July 1, 2000 at 12:02 a.m.

#### AMENDED ANALYSIS

This bill continues the current practice for determining creditable service of teachers in a job-sharing position, for teachers in service after July 1, 1995. The bill negates a prospective amendment to the provision. The bill also limits creditable service in the calculation of service for medical benefits payment eligibility for job-sharing teachers.

**HB 1367-FN**, establishing a program of acting service awards to state employees who temporarily perform the duties of a higher level agency position. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee felt that the current policies within the division of personnel provide the departments with the flexibility needed



to address the issue of compensation. The committee was also concerned about the complexity of administering these policies and indeterminable increase in state expenditures in FY 2000 and each year thereafter. Vote 14-2.

**HB 1509-FN-L**, repealing RSA 541-A and creating a study committee to review rules which must be codified as a result. **INEXPEDIENT TO LEGISLATE**

Rep. Alida I. Millham for Executive Departments and Administration: This bill repeals RSA 541-A relative to administrative rulemaking. It also establishes a committee to review the thousands of rules now in effect to determine which of these would need to be codified. It would take several years to accomplish this. After careful review, the committee agreed that this approach was impracticable. Vote 15-0.

**HB 1561-FN**, relative to benefits payable upon a group II retirement system member's death after retirement. **REFER FOR INTERIM STUDY**

Rep. Ray F. Langer for Executive Departments and Administration: This bill increases the lump sum death benefit of \$3600 to \$10,000 for certain retirees. It is not possible to estimate the total cost of this bill to the New Hampshire Retirement System. This total cost when considered in conjunction with other unknown costs of retirement bills is a major problem to this committee. Vote 15-0.

**HB 1583**, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill as amended makes clearer the time period that estheticians and manicurists must be trained to be eligible for licensure. The original bill removed "ethical" as a criterion for professional standards. The amendment reinstates the obvious requirement for ethical behavior similar to almost every licensure statute in New Hampshire. Vote 15-0.

#### **Amendment (3365h)**

Amend RSA 313-A:8, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A high school education or its equivalent; and

Amend RSA 313-A:8, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards;

**HB 1591-FN**, establishing a defined contribution retirement option in the New Hampshire retirement system. **REFER FOR INTERIM STUDY**

Rep. Ray F. Langer for Executive Departments and Administration: This bill provides a defined contribution plan to every member of the retirement system, if desired. Though the bill has merit, the concept is very challenging and the committee wants to study this bill to better understand all the ramifications. Vote 16-0.

**HB 1592**, relative to the display of the United States flag. **OUGHT TO PASS WITH AMENDMENT**

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1592, as amended, insures that the United States flag displayed in state facilities is in accordance with federal law and military tradition. Vote 14-0.

#### **Amendment (3389h)**

Amend RSA 3-E:1 as inserted by section 1 of the bill by replacing it with the following:

3-E:1 United States Flag; Display. The flag of the United States of America shall be displayed in state facilities in accordance with federal law. United States flags used by the military for military purposes shall be exempt from the provisions of this chapter.

#### **AMENDED ANALYSIS**

This bill provides that the display of the United States flag in state facilities shall conform to federal law.

**HB 1302**, establishing a committee to study issues of senior outreach programs. **INEXPEDIENT TO LEGISLATE**

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: While the concept of reaching out to the elderly is admirable, the committee realizes that the needs expressed are already being

addressed by the Department of Health and Human Services with the new "Focal Points" program which has been in development for over a year. It is expected that this "Focal Points" program will be up and running by September 2000. A major component of that program is to assist with senior outreach programs. Vote 17-0.

**HB 1585**, relative to staffing ratios in long term care facilities in the state. **INEXPEDIENT TO LEGISLATE**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The issue of staffing long-term care facilities is one that concerns us all. As most nursing homes have Medicaid patients, and therefore, have to comply with federal guidelines vis-a-vis staffing, the committee felt that it was not timely to impose more regulation on an already stressed industry. That is not to say that there isn't a problem, but the committee did not want to set up yet another study committee when legislation can be introduced in the next session if necessary. Vote 17-0.

**HB 1110**, establishing a committee to study landlord-tenant issues. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: The original bill requested a study which was far too broad for the committee to find favor with. Landlord-tenant law is expensive and complex. The committee did find favor however with limiting the study to the termination process of a landlord-tenant relationship. Vote 13-3.

**Amendment (3342h)**

Amend the bill by replacing section 3 with the following:

**3 Duties.**

I. The committee shall study laws governing eviction or ejection of tenants of residential dwelling units. The following issues are not within the scope of the committee's duties:

- (a) Tort liability of persons engaged in a landlord-tenant relationship.
- (b) All aspects of rental or lease of non-residential, commercial, or industrial properties.
- (c) The issues pertaining to the initiation or commencement of a tenancy or lease.
- (d) Hotels, motels, lodges, inns, bed & breakfasts.
- (e) Camps, campgrounds, and recreational parks and campgrounds.

II. The committee shall specifically study the termination process of a landlord-tenant relationship in a residential context, regardless of whether the tenancy involves a permanent structure or a manufactured housing unit.

**HB 1168**, establishing a committee to study the merits of limiting the use of social security numbers as identifiers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sandra B. Keans for Judiciary: The committee believes that with a recent opinion against the state of South Carolina by the U. S. Supreme Court, there is great validity in proceeding with a study of limiting the use of social security numbers. There was no opposition at the hearing. This bill only authorizes a study. Vote 12-1.

**Amendment (3306h)**

Amend subparagraphs I(a) and (b) of section 2 of the bill by replacing them with the following:

(a) Five members of the house of representatives, one of whom shall be a member of the commerce committee, and 4 of whom shall be members of the house judiciary committee, appointed by the speaker of the house.

(b) Four members of the senate, one of whom shall be a member of the banks committee, and 3 of whom shall be members of the senate judiciary committee, appointed by the president of the senate.

**HB 1267-FN**, requiring courts to use the English language on all forms and in all correspondence. **INEXPEDIENT TO LEGISLATE**

Rep. Bette R. Lasky for Judiciary: This bill would require the courts to use only the English language on all judicial forms and correspondence. The committee voted unanimously inexpedient to legislate as this would eliminate use of all Latin terms, even those that are commonly known, thus creating statutory problems. This bill would also prohibit translating forms into other languages. The suggestion was made, however, to the courts to create a glossary of Latin terms to assist the "pro se" litigant in particular. Vote 14-0.

**HB 1518-FN**, relative to in pro pri a persona and pro se litigants. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert H. Rowe for Judiciary: This bill requires a court to provide a written explanation of a denial of any motion in any court where there is a pro se (representing oneself) party. The committee felt the bill will result in an extreme hardship to all courts especially the municipal and district courts which process great numbers of cases each day such as motor vehicle violations. The requirement for a written explanation on every motion will substantially reduce the number of cases that can be heard by a judge and increase court clerical costs. Vote 17-0.

**HB 1523**, relative to landlord-tenant obligations. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Phyllis L. Woods for Judiciary: This bill, as amended, would require a landlord to accept as rental payment by the tenant, a written promise to pay on behalf of the tenant by the state, a county or a municipality of this state, or payment from an organization which disburses federal or state funds. Vote 16-0.

#### Amendment (3310h)

Amend the bill by replacing all after the enacting clause with the following:

1 Entities Paying Rent on Behalf of a Tenant. Amend RSA 540:9-a to read as follows:

540:9-a Payment by Voucher and Application of Rents Paid by [the] a Municipality. Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to pay on behalf of the tenant by *the state, a county or* a municipality of this state, *or a payment by any organization which disburses federal or state funds*, and any application by [the] a municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment by the tenant of the amount represented in the voucher, and of any amount applied by [the] a municipality to delinquent balances of the landlord; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments or payments tendered after the expiration of the notice to quit.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill extends payments on behalf of tenants to include payments by voucher from the state, a county, or any organization that disburses state or federal funds.

**HB 1126**, relative to requiring certain employers to pay time-and-one-half wages for hours worked on Sundays. **OUGHT TO PASS WITH AMENDMENT**

Rep. Philip J. McColgan, Jr. for Labor, Industrial and Rehabilitative Services:

This bill as amended repeals the 1911 laws that prohibit the practice of offering finder's fees and signing bonuses for enlisting workers. This amendment, recommended by the Department of Labor, replaces the whole original bill, which required certain employers to pay time-and-a-half wages to employees who worked on Sunday. For a variety of reasons, the original bill was overwhelmingly rejected. The amendment was unanimously accepted. Vote 12-0.

#### Amendment (3193h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to repealing the prohibition on rewards for procuring employment.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 275:6-9, relative to rewards for, offers of, and penalties for, procuring employment, are repealed.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill repeals certain provisions relating to rewards for procuring employment.

**HB 1124-L**, relative to local building codes. **OUGHT TO PASS**

Rep. Robert W. Brundige for Municipal and County Government: This bill amends RSA 674:52 to provide that the adoption by reference of any provision of a nationally recognized building or fire code shall not be construed to restrict a municipality's authority relative to the appointment, removal or duties of municipal employees and the organization of municipal departments. Vote 14-0.

**HB 1132-L**, relative to exemptions and credits to property taxes when the property is sold. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill would have changed existing law to provide that property tax credits and exemptions would expire upon the filing of a



real estate transfer with the registry of deeds. Currently property is assessed, and exemptions and credits calculated, as of April 1 of each year. Other than the sponsor, the testimony was unanimous in opposition to this bill. Among the concerns cited were a dramatic increase in paperwork, the need for other major changes in the law to accommodate this concept and the likelihood that enacting this would open the floodgates to similar proposals. If a change in the current tax calculation procedure is desired, it needs to be accomplished in a comprehensive, rather than piecemeal, fashion. Vote 14-0.

**HB 1205-L**, relative to tax exemption for noise pollution control facilities. **INEXPEDIENT TO LEGISLATE**

Rep. David W. Hess for Municipal and County Government: While the sponsor's objectives in introducing this bill are laudable the public hearing raised a considerable number of issues and concerns. There is no general statewide definition, or even generally accepted criteria to determine what is, noise pollution. Furthermore, the bill would apply to anything, which only "partly" is intended to or does in fact reduce noise pollution. This could include planting trees, installing insulation in walls, or even the mere erection of an enclosing structure. Finally, there was no way to determine the administrative costs of this legislation or the impact it would have on other local property tax payers. Vote 14-0.

**HB 1214-L**, relative to municipal permits for registration of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would amend RSA 261:148-a to allow any city or town to require that before any person having outstanding or unpaid license or permit fees must pay them before the vehicle registration is issued to such person by the town or city. Testimony indicated this procedure would be unwieldy and not practical. Vote 14-0.

**HB 1219**, relative to elected officials with corporate conflicts of interest. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: Local government in New Hampshire is dependent on residents who are willing to volunteer their time to serve as elected officials. Most of these positions are held by residents who also may or may not be a part of a "corporate entity". This bill would restrict those residents from transacting any business with the local political subdivision and the effect of this limitation would reduce the number of volunteers eligible to serve at the local level. Vote 14-0.

**HB 1277-L**, relative to payment by an applicant of outstanding costs on a withdrawn proposal submitted to a planning board. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: There are inherent costs to an applicant to request a subdivision or a site plan review before the Planning Board. Even if an application is withdrawn, costs are associated with any planning process, over and above any Planning Board administrative costs. The Planning Board may state in their subdivision regulations that all costs incurred, even if an application is withdrawn must be paid. This bill would have allowed the Planning Board to reject a subsequent application based on non-payment of cost incurred for unrelated application. The Committee found this legislation unnecessary since the Planning Board already has this option when compiling their regulations. Vote 14-0.

**HB 1389-L**, relative to the Nute High School and library trustees. **REFER FOR INTERIM STUDY**  
Rep. Betsey L. Patten for Municipal and County Government: The Nute family of Milford made a generous contribution in 1889 for the construction of the Nute High School and the formation of the Nute Trust Fund. The Session Law enacted that year granted the Trust Fund a tax exemption for up to \$350,000 in assets. That cap has long since become obsolete. The sponsors, through HB1389 requested an increase of that tax-exemption cap from \$350,000 to \$3,000,000. A request for information about the status of other possible trust funds that have been established for the same purpose is still being researched. This bill needed to be reported out early in order for it to go to the Finance Committee to review any possible financial impacts on state revenues. The Committee was split on making a recommendation without the requested information. Consequently, the Committee unanimously voted to Refer to Interim Study knowing that there will be time to review this bill and the forthcoming information later this spring and act on it at that time. Vote 14-0.



**HB 1413**, relative to the rights of ownership of cemetery plots or burial spaces. **OUGHT TO PASS**  
Rep. Priscilla P. Lockwood for Municipal and County Government: This bill clarifies the criteria for determining ownership of cemetery plots or burial spaces for purposes of probate of estates. It was the product of a statutory study committee in collaboration with the Attorney General and the Probate Court. Vote 14-0.

**HB 1495-FN-L**, requiring local political subdivisions to submit to annual audits by independent certified public accountants. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Municipal and County Government: The fiscal note on HB 1495 states that 61% of municipalities and 15.6% of village districts undergo annual independent audits. Recent events in one municipality should cause officials in those subdivisions that do not do annual audits to review their local situations and hopefully initiate action to bring forward a proposal for voter consideration that would provide for annual independent audits. The Committee believes that this question lies with local officials and taxpayers and should remain so. Finally, this bill if enacted would result in an unfunded state mandate in violation of Article 28-a of the New Hampshire Constitution. Vote 14-0.

**HB 1522-L**, relative to posting warrants in languages other than English and in large-print format. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill would have allowed selectmen to post town meeting warrants, or portions of the warrant, in language(s) other than English and/or in large type format for the visually impaired. The Committee is satisfied that selectmen already have the authority to post warrants in either of these ways. Vote 13-0.

**HB 1601-FN-L**, relative to the procedure for the setting of tax rates by the commissioner of revenue administration. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill would have established a thirty day time limit for DRA to review the town reports that are statutorily required as part of the process for setting tax rates. Additionally, the bill would require the commissioner to seek an opinion of the Attorney General on any questions of law regarding a disallowed appropriation, as part of an oral hearing afforded to a municipality dissatisfied with the tax rate that has been set. The Committee feels that such provisions are unnecessary, are potentially in conflict with other sections of statute and would only serve to seriously delay, and likely frustrate entirely in some situations, the setting of municipal tax rates. Vote 13-0.

**HB 1143-FN**, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway." **OUGHT TO PASS**

Rep. William E. Leber for Public Works and Highways: The committee supports naming this stretch of highway, Route 28 in the town of Wolfeboro, after the late state trooper Gary Parker, who was killed in the line of duty. The sponsor testified that the town of Wolfeboro supports the bill. The committee heard moving testimony from the widow that the trooper had grown up in the area. He often reflected, as they returned from assignment in other districts, that when he reached the Wolfeboro town line on Route 28, he was home. The New Hampshire Trooper's Association and family reportedly will cover the cost of the signs. The committee opposition was not a reflection on the memory of trooper Parker, but a concern that a policy and procedure should be developed to manage the proposals for naming highways and bridges. Some members of the committee indicated they will do so for the next term. Vote 12-7.

**HB 1222**, relative to outdoor advertising in an unzoned commercial or industrial area. **INEXPEDIENT TO LEGISLATE**

Rep. Candace W. Bouchard for Public Works and Highways: This bill concerning off premise signs, although well intended, would result, as testified by the Department of Transportation, in a violation of an agreement between the state and the federal government. The financial loss of this violation would be a ten percent reduction in New Hampshire's federal highway funds. Vote 13-0.

**HB 1322**, relative to the regulation of certain outdoor advertising devices. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara L. Spear for Public Works and Highways: This bill as amended states that no advertising device which is not in conformance with state law shall be permitted to be re-erected if destroyed or abandoned. Advertising devices created adjacent to highways shall not exceed a height of 50 feet. Vote 19-0.

**Amendment (3373h)**

Amend RSA 236:74, V as inserted by section 2 of the bill by replacing it with the following:

V. HEIGHT. With respect to advertising devices located adjacent to any interstate, federal aid primary, or turnpike highway, no advertising device shall exceed a height of 50 feet from the base of the structure.

**AMENDED ANALYSIS**

This bill adds restrictions on the reconstruction of destroyed or abandoned advertising devices and on the height of devices to the regulation of outdoor advertising devices adjacent to interstate, federal aid primary, or turnpike highways.

**HB 1341-FN**, relative to direct access for certain types of development along highways. **REFER FOR INTERIM STUDY**

Rep. Robert A. Daigle for Public Works and Highways: The committee heard testimony from the Department of Transportation and the Transportation and Construction Bureau of the Attorney Generals Office. Both of these agencies felt that changes were necessary to the existing RSAs regarding access. They plan to prepare information necessary for legislation for the next session. This Interim Study motion will allow the committee to monitor the above effects. Vote 17-0.

**HB 1553-FN-L**, relative to the construction and renovation of covered bridges. **INEXPEDIENT TO LEGISLATE**

Rep. Richard F. Ahern for Public Works and Highways: This idea has a lot of merit and would encourage reconstruction of covered bridges in towns. The Department of Transportation testified that current law allows for this to happen now. The big change under this bill would provide up to 150% funding for covered bridges, but we only received testimony from the sponsor, and did not feel that there was broad enough support for this change. Vote 17-0.

**HB 1121-FN**, relative to admission to Wellington state park by residents of the town of Alexandria. **INEXPEDIENT TO LEGISLATE**

Rep. Michael W. Downing for Resources, Recreation and Development: The committee heard testimony that Wellington State Park has the only safe beach in the Town of Alexandria. After consultation between the sponsor, the Director of State Parks and the Town of Alexandria, an agreement was reached that satisfied everyone involved. The Town of Alexandria agreed to pay a fee for special use permits allowing residents to utilize the beach area. The sponsor agrees that this legislation is no longer necessary. Vote 14-0.

**HB 1340-FN-L**, relative to dam construction permits. **INEXPEDIENT TO LEGISLATE**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill is intended to assure that when a dam fails, the owner will have the resources to compensate downstream property owners for resulting losses. Expert testimony revealed that the insurance industry will not have the ability to offer such insurance until actuarial studies are completed. The Department of Environmental Services will monitor this progress in this insurance industry research. Vote 16-0.

**HB 1479-FN-L**, relative to boat fees. **INEXPEDIENT TO LEGISLATE**

Rep. Michael D. Whalley for Resources, Recreation and Development: Although the committee was impressed with the sponsor's intention to develop a financial incentive through a discounted boat registration for clean burning engines, we felt that this discount in the registration was too insignificant to have any impact on a person's buying decision. However, federal regulations regarding the sale of marine engines require that all marine engines sold in the United States after 2007 must be "clean" engines. Between now and 2007 there will be an increased percentage of clean engines sold each year until the goal of 100% is met in 2007. Vote 16-0.

**HB 1179**, relative to final orders of the public utilities commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for Science, Technology and Energy: This legislation clarifies an existing ambiguity. The language of the legislation has been agreed to by the Public Utilities Commission. The passage of this law guarantees that all parties to a PUC docket can know the PUC's decision on each issue of the docket, and the reasoning behind such decision(s) before that party must choose if it is to appeal such a decision. Vote 18-0.

**Amendment (3173h)**

Amend the bill by replacing section 1 with the following:

I Public Utilities Commission; Appointment, Qualification, etc; Final Orders. Amend RSA 363:17-b to read as follows:

363:17-b Final Orders. The commission shall issue a final order on all matters presented to it. ~~[Final orders of the commission]~~ *The transcript or minutes of oral deliberations shall not constitute a final order. A final order* shall include, but not be limited to:

- I. The identity of all parties;
- II. The positions of each party on each issue;
- III. A decision on each issue including the reasoning behind the decision; and
- IV. The concurrence or dissent of each commissioner participating in the decision.

**HB 1462**, extending the report date of the committee to study methods to promote the use of renewable energy sources. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for Science, Technology and Energy: The bill extends the Renewable Energy Committee for two years and requires it to submit an interim report by Nov. 1, 2000, and a final report by Nov. 1, 2001. The bill also eliminates one duty of the committee and allows the Senate to appoint fewer members than House members. Vote 15-0.

**Amendment (3307h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources.

Amend the bill by replacing all after the enacting clause with the following:

I Study Committee; Membership, Duties, Report Changed. Amend 1999, 47 to read as follows: 47:1 Committee Established. There is established a committee to study methods to promote the use of renewable energy sources.

47:2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the science, technology and energy committee of the house of representatives, appointed by the speaker of the house of representatives.

(b) ~~[Five]~~ *Not less than 3 nor more than 5* members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

47:3 Duties. The committee shall study methods to promote the use of renewable energy sources. The committee shall seek input from representatives of the renewable energy industry and interested state agencies. As part of its study, the committee shall examine:

I. The system benefits charge established pursuant to RSA 374-F:4 and similar charges levied by other states that promote renewable energy sources.

II. Programs and initiatives instituted by other states to promote renewable energy.

III. Implementation issues specific to deregulated markets.

~~IV. Recommendations regarding the amount of the system benefits charge in light of program goals, market activity, and consumer concerns.]~~

47:4 Chairperson; Quorum. The first meeting of the committee shall be called by the first-named house member. The members shall elect a chairperson. The first meeting of the committee shall be held within 45 days of the effective date of this section. ~~[Six]~~ *Five* members of the committee shall constitute a quorum.

47:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library *in an interim report* on or before November 1, ~~[+999]~~ *2000 and a final report on or before November 1, 2001.*

47:6 Effective Date. This act shall take effect 60 days after its passage.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill extends the report date and modifies the membership and duties of the committee to study methods to promote the use of renewable energy sources.



**HCR 20**, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: The Health Care Financing Administration (HCFA), in accordance with the Balanced Budget Act of 1997 which must be in place by October 2000, will force home health care agencies to collect and report personal and medical information of patients. Patients who receive federal benefits must disclose personal information. Patients in home health care who do not collect federal benefits should not be required to disclose personal information without informed consent. This would be an intrusion of personal liberty, privacy and violation of their 4th Amendment rights. We were shown large amounts of personal health information and pages of questions asking the client for very minor medical screening which we felt were far reaching. Vote 12-0.

**HCR 23**, urging the United States Congress to allow greater state and local regulation of cable television services and greater choice for cable television subscribers. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The committee felt that this bill is not necessary at this time. Cable company representatives made the committee aware that there are some ongoing changes which will provide better cable selections. The representatives also explained that when a cable company has several different outlets to buy from and, in turn, sell to the subscriber, different channels come with different packages, some of which cannot be grouped with other cable combinations. Vote 13-0.

**HCR 24**, relative to integration of people with disabilities. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: Every citizen should have the right to live where he or she wants to live without discrimination. This right applies to people with disabilities. Incarceration of people with developmental disabilities was the solution in the Middle Ages. Every citizen should have the opportunity to contribute to a community by residing in the integrated setting most appropriate to their disability and receive support services in their homes and from their communities. Vote 12-0.

**HB 1112**, prohibiting the use of the far left lane on the interstate for anything other than passing. **INEXPEDIENT TO LEGISLATE**

Rep. Peter R. Cote for Transportation: The committee felt that RSAs 265:16, 265:18, 265:19 and 265:20 already adequately cover the sponsor's intent. The committee also felt that because of all the two lane interstate roads in New Hampshire, this bill would be impractical on these roads. Vote 17-0.

**HB 1251**, relative to driver education training reimbursement. **OUGHT TO PASS WITH AMENDMENT**

Rep. George A. LaPorte for Transportation: This bill tries to even the reimbursement to students who successfully complete an approved driver education course in New Hampshire. Presently, only students who complete this course in a public school are eligible for reimbursement. Even though money which comes from vanity and original licenses fees are paid by all and not used by all, any money left is returned to the general fund. Vote 15-0.

#### **Amendment (3325h)**

Amend the bill by replacing section I with the following:

1 Driver Training Reimbursement. Amend RSA 263:52, I to read as follows:

I. The proceeds from original license fees as provided in RSA 263:42 and \$5 from every special fee for vanity number plates collected in accordance with RSA 261:89, plus such additional portion of the \$25 special fee for vanity number plates or the renewal of the use of such plates as is needed to fully fund the driver training program for each fiscal year as determined by the general court pursuant to paragraph II, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of *approved* secondary [schools] or *private driver education courses*. After all costs of administration of the program each year of the biennium have been reserved, the balance which is appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund [~~which shall be paid out on or before September~~]



15 of each year ~~directly to participating schools prorated on a per-pupil basis for those pupils who have completed the driver education program to be used as a reimbursement to defray the cost of tuition~~]. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall adopt pursuant to RSA 541-A and publish rules governing the courses of instruction and training and determining eligibility of ~~[secondary schools]~~ *students* to receive moneys from the fund established by this section. *Students who successfully complete driver education provided by public secondary schools shall receive either a \$150 credit toward their tuition or a reimbursement of that amount from the public institution within 30 days of receiving its reimbursement from the department of safety. Students who successfully complete private driver education courses shall be reimbursed \$150 directly from the fund.*

### AMENDED ANALYSIS

This bill requires a portion of the fees collected for the driver training fund to be allocated directly to students who have successfully completed private driver education courses as reimbursement, or providing students successfully completing secondary school programs of instruction a credit toward, or reimbursement of, fees charged.

This bill is a request of the house study committee established by 1999, 297.  
Referred to Finance.

**HB 1265-FN**, exempting snowmobiles used by OHRV clubs for trail grooming and other public services from the payment of OHRV registration fees. **OUGHT TO PASS WITH AMENDMENT** Rep. Robert J. Letourneau for Transportation: The amended version of this bill defines the state of antique snowmobiles and antique OHRV all terrain vehicles and antique trail bikes. This would allow a one-time registration fee of \$36.00 for all valid New Hampshire driver license holders over 18 years of age. The sponsor of the bill endorses this change endorsed by the Departments of Resources and Economic Development and Fish and Game. Vote 15-0.

### Amendment (3220h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to registration of certain antique OHRVs.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Antique Snow Traveling Vehicle. Amend RSA 215-A:1, I-a to read as follows:

I-a. "Antique snow traveling vehicle" means any snow traveling vehicle manufactured prior to the year 1969 or [20] 25 or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

2 New Paragraphs; Definitions; Antique All Terrain Vehicle; Antique Trail Bike. Amend RSA 215-A:1 by inserting after paragraph I-b the following new paragraphs:

I-c. "Antique all terrain vehicle" means any all terrain vehicle manufactured prior to the year 1969 or 25 or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

I-d. "Antique trail bike" means any trail bike manufactured prior to the year 1969 or 25 or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

3 Registration; Antique Snow Traveling Vehicle. Amend RSA 215-A:21, IV-a to read as follows:

IV-a. Notwithstanding the provisions of RSA 215-A:21, IV, antique snow traveling vehicles may be registered by a one-time purchase of a permanent plate to be affixed permanently to the snow traveling vehicle. ~~[This plate shall be non-transferable from one snow traveling vehicle to another or from one owner to another.]~~ This registration shall be available at the fish and game headquarters only.

4 New Paragraphs; Registration; Antique All Terrain Vehicles; Antique Trail Bikes. Amend RSA 215-A:21 by inserting after paragraph IV-a the following new paragraphs:

IV-b. Antique all terrain vehicles may be registered by a one-time purchase of a permanent plate to be affixed permanently to the antique all terrain vehicle. This registration shall be available at the fish and game headquarters only.

IV-c. Antique trail bikes may be registered by a one-time purchase of a permanent plate to be affixed permanently to the antique trail bike. This registration shall be available at the fish and game headquarters only.

5 Registration Fees; Antique Snow Traveling Vehicles. Amend the introductory paragraph of RSA 215-A:23, II to read as follows:

II. Resident antique snow traveling vehicle permanent registration-\$35 for each registration upon presentation of resident tax receipt *or a valid New Hampshire driver's license issued to a person 18 years of age or older*. From each fee collected pursuant to this paragraph:

6 New Paragraphs; Registration Fees; Antique All Terrain Vehicles; Antique Trail Bikes. Amend RSA 215-A:23 by inserting after paragraph II the following new paragraphs:

II-a. Resident antique all terrain vehicle permanent registration-\$35 for each registration upon presentation of resident tax receipt or a valid New Hampshire driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first \$20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$7.50 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

II-b. Resident antique trail bike permanent registration-\$35 for each registration upon presentation of resident tax receipt or a valid New Hampshire driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first \$20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, \$7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and \$7.50 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

7 Effective Date. This act shall take effect July 1, 2000.

#### AMENDED ANALYSIS

This bill establishes registration requirements and fees for antique all terrain vehicles and antique trail bikes.

Referred to Finance.

**HB 1268-FN**, relative to certain vehicle registrations. OUGHT TO PASS WITH AMENDMENT Rep. Robert J. Letourneau for Transportation: This bill would require that persons claiming the exemption from the certificate of title for older motor vehicles provide proof of a previously issued certificate of registration or title, or out of state title, or validation of vehicle identification number (VIN) by the Department of Safety. Vote 17-0.

#### Amendment (3322h)

Amend the bill by replacing section 1 with the following:

1 New Section; Registration of Certain Title Exempted Vehicles. Amend RSA 261 by inserting after section 2 the following new section:

261:2-a Registration of Certain Title Exempted Vehicles. Notwithstanding the provisions of RSA 261:2 and RSA 261:148, no person shall register a motor vehicle exempted under RSA 261:3, I(k) in this state without first providing a previously issued New Hampshire certificate of registration, a valid out-of-state certificate of title, or a current New Hampshire vehicle identification number verification form as prescribed by the director. For the purposes of this section, a temporary registration issued pursuant to RSA 261:57 does not meet the requirement of a previously issued New Hampshire certificate of registration. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

**HB 1269-FN**, relative to the creation of a university system of New Hampshire license plate. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The idea of a special plate raising revenue for the University System on the surface appears to have merit. However, after listening to testimony from a University of New Hampshire faculty member, the committee learned that a total of four plates, one for each university, would be requested for identity purposes. Looking at the relatively small number of plates sold in states with larger graduate populations, the committee felt that the state would not meet the cost of production for these special plates. Vote 17-0.

**HB 1304**, establishing a statutory committee to review and approve any motor vehicle license plate design. INEXPEDIENT TO LEGISLATE

Rep. George A. LaPorte for Transportation: The committee felt that with the new plates recently issued that this bill was not needed, as new plates would not be needed for at least ten years. The Director needs the discretion for public safety to display what is needed. Vote 16-0.

**HB 1439-FN**, relative to operation of a motor vehicle under a learner's permit. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would change the current law and allow 15 year olds to receive a learner's permit to drive an automobile. The subcommittee, along with the Departments of Safety and Health and Human Services, and Injury Prevention Group folks, found this to be an unacceptable provision. The trend has been toward longer driver experience with adult supervision. The committee received testimony during hearings that produced evidence that the older a driver, the more mature that driver is likely to be. The Transportation committee will be meeting as an Ad Hoc group during the summer to take up the under age 20 driver issue in an effort to make appropriate changes. This will take considerable time and effort. This Ad Hoc committee will look at what is successful and what is not. Motor Vehicles Director Beecher is very interested in this issue, and will take an active role and participation with this committee. The committee along with the sponsor agrees to make a recommendation to find this bill Inexpedient to Legislate. Vote 17-0.

**HB 1458**, relative to the wearing of motorcycle protective headgear. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill as introduced would require all motorcycle operators and passengers to wear protective headgear and would require drivers of motorcycles to receive training as to the benefits of protective headgear prior to receiving licensure. The premise for this is that motorcyclists are a burden to society for their care and subsistence. The committee heard no testimony nor saw any data to support this position. Testimony presented to the committee revealed motorcyclists that are admitted to trauma centers for treatment of crash related injuries were just as likely as other road trauma cases to be medically insured, and considerably better insured than non-road cases. Motorcyclists had the highest insurance payment rate of all groups, and a higher rate of self-payment than any other group. New Hampshire data supports that testimony. 1996 NH data showed that you are twenty five times more likely to receive a head injury in an auto crash than on a motorcycle. The second issue in this bill required "proof of receipt of headgear safety training". No such training currently exists anywhere, and there was no provision in this bill for funding of this training or who was to administer any such program. The committee held two hearings on this bill. Three hundred and twenty four people who attended the hearings were in opposition. Six were in support. Additionally, sixteen Representatives attended the hearings and were opposed to the legislation, and four were in favor. There were twenty speakers who voiced their opposition, and three were in support. The most common thread of testimony from those who testified in opposition was that motorcyclists have a vested interest in their own safety, and as responsible adults they were insured and very much aware what is in their best interest. Motorcyclists view this legislation as a government intrusion into their lives without justification. Vote 17-0.

**HB 1513-FN**, relative to a fine for a youth operating a motor vehicle without an adult present. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The committee appreciates the sponsor's intent and effort, however, the committee and subcommittee conducted lengthy discussions with representatives from the Departments of Health and Human Services and Safety, and the Injury Prevention group, concerning this subject matter. Motor Vehicles Director Beecher and the Transportation committee will be looking at a number of proposals concerning drivers under the age of 20 years old with an Ad Hoc committee during the summer months. The committee recognizes the sponsor's intent and will consider such when new proposals are discussed. Vote 17-0.

**HB 1613**, exempting police officers on bicycles from certain motor vehicle laws and rules. OUGHT TO PASS WITH AMENDMENT

Rep. George N. Katsakiores for Transportation: Peace officers (police officers) wearing a distinctive uniform, operating a bicycle during the course of his or her duties shall not be subject to all



the rules of the road if his or her operation of a bicycle is in response to an emergency call, while engaged in a rescue operation, or in pursuit of an actual or suspected violator of the law. This bill does not relieve a peace officer from operating a bicycle with due regard for the safety of all persons using the public way. Vote 17-0.

#### **Amendment (3363h)**

Amend RSA 265:143, II(b) as inserted by section 1 of the bill by replacing it with the following:

*(b) This paragraph shall not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the public way.*

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

### **REGULAR CALENDAR**

**HB 1459**, requiring the state police to record and update information relative to the charge of non-support. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Laura C. Pantelakos for the Majority of Children and Family Law: This bill requires the state police to record and update information daily relative to civil non-support warrants in addition to its correct practice of recording criminal non-support warrants. Vote 10-4.

Rep. Thomas I. Arnold, Jr. for the Minority of Children and Family Law: The minority did not object to the contents of the bill but, rather, to a glaring omission which will work an injustice on the innocent if not corrected. The bill adds civil complaints for nonpayment of child support to the state police computer on a daily basis. There is no provision to protect, or make whole, those who are arrested even though they are current in their payments. This applies equally to those who made payments to the state which the state did not correctly apply and credit the payor.

#### **Amendment (3361h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring the state police to record and update information relative to the charges of criminal and civil non-support.

Amend RSA 106-B:14, III as inserted by section 1 of the bill by replacing it with the following:

III. The division of state police shall record and update on its computer system on a daily basis the names of all persons for whom there is either an outstanding arrest warrant or a capias pending for criminal or civil non-support. The director shall submit an annual report to the general court relative to felony and misdemeanor non-support as well as civil non-support based on the records and information acquired pursuant to RSA 106-B:14, I. The report shall be a compilation of the number of persons charged with criminal or civil non-support, the number of apprehensions made on the charges of criminal or civil non-support, and any other information the director deems relevant.

### **AMENDED ANALYSIS**

This bill provides that the state police shall record and update on its computer system any arrest warrant or capias issued by a superior court for criminal or civil non-support and shall submit a report of such information to the general court.

Adopted.

Rep. Arnold spoke against.

Rep. Dowling spoke in favor.

On a division vote, 179 members having voted in the affirmative and 109 in the negative, the report was adopted.

Referred to Finance.

**HB 1358**, prohibiting smoking in restaurants. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Joseph D. Kenney for the Majority of Commerce: This bill prohibits all smoking in any restaurant where serving food is the primary function. The majority of the committee felt the present indoor smoking act is what is best for New Hampshire. The indoor smoking act allows for the location of no-smoking and smoking-permitted areas in restaurants, and requires smoking areas not to cause harm or unreasonably intrude into the areas occupied by persons who are not smoking.



There is a requirement for a physical barrier such as a wall at least 56 inches in height to separate no-smoking areas from a smoking-permitted area. Additionally, existing ventilation systems in restaurants, where reasonably possible, should be located near smoking areas. Since New Hampshire law forbids bars from not serving food, any attempt to allow smoking in bars only would require a change in our liquor laws, and a long standing public policy that bars must serve food in New Hampshire. Vote 10-5.

Rep. Martha Fuller Clark for the Minority of Commerce: The strong vote against inexpedient to legislate reflects the position of those committee members who believe that smoking in restaurants, where serving food is the primary function should be prohibited. Currently four other states prohibit smoking in places of public employment due to the documented risks of second hand smoke. They are Maine, Vermont, Utah and California. All of these states have some form of exemptions. These states have not seen a negative impact on the overall room and meals tax. They have, however, seen an increase in the number of licenses for bars, taverns, lounges and cabarets that are exempt from the ban. Some of these states also provide through legislation a requirement that "no one as part of his or her work responsibilities shall be required to work in an area where smoking is permitted." In New Hampshire we define in statute cocktail lounges as a portion or area of a restaurant, hotel, motel, convention center or resort which is used primarily to serve liquor or other alcoholic beverages. This bill offers a reasonable compromise by exempting cocktail lounges from banning smoking. However, these lounges would now be required to be in an enclosed place to protect others from second hand smoke as much as possible. Currently the state regulates restaurants with regard to health and safety. Banning smoking would simply be an appropriate extension of such regulations since death from smoking and exposure to second hand smoke has been deemed a public health issue of primary importance. Environmental tobacco smoke constitutes the third leading cause of preventable death in the United States. This bill seeks to protect both restaurant workers and patrons in New Hampshire from involuntary exposure to second hand smoke and should be passed.

Reps. Pantelakos, Vaillancourt and Keye spoke against.

Reps. Francoeur, Kennedy and Avery spoke in favor.

Rep. Fuller Clark spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Reps. Chandler and Fuller Clark requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 219 NAYS 110

### YEAS 219

#### BELKNAP

Boyce, Robert  
Salatiello, Thomas

Czech, Stanley  
Thomas, John

Johnson, James  
Turner, Robert

Millham, Alida  
Wendelboe, Francine

#### CARROLL

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

#### CHESHIRE

Avery, Stephen  
Lerandeau, Alfred  
Meador, David  
Royce, H Charles

DePecol, Benjamin  
Lynch, Margaret  
Pratt, John  
Smith, Edwin

Doucette, Richard  
Lynott, Margaret  
Roberts, William

Hunt, John  
McGuirk, Paul  
Rose, William

#### COOS

Gallus, John  
Mears, Edgar  
Woodward, David

Guay, Lawrence  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

Landers, Dana  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Alger, John  
Gilman, G Michael  
Phinney, William

Cobb, John  
Hall, David  
Picconi, Al

Dudley, Terri  
Hinman, Harry  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Bergin, Peter  
Christiansen, Lars  
Coughlin, Pamela  
Daniels, Gary  
Durham, Susan  
Fletcher, Richard  
Goley, Jeffrey  
Jean, Claudette  
LaRose, Richard  
Martel, Andre  
Messier, Irene  
Murphy, Robert  
Pappas, Marc  
Rowe, Robert  
Tate, Joan

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Clegg, Robert Jr  
Craig, James  
Desmarais, Vivian  
Emerton, Lawrence  
Foster, Linda  
Goulet, Maurice  
Jean, Loren  
Leonard, Peter  
McCarty, Winston  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sarette, John  
Thulander, O Alan

Andrews, Frederick  
Beaupre, Roland  
Bruno, Pierre  
Clemons, Jane  
Daigle, Robert  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Herman, Keith  
Johnson, Lionel  
Lessard, Rudy  
McGough, Tim  
Moran, Edward  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

Arnold, Thomas Jr  
Belvin, William  
Calawa, Leon Jr  
Cote, Peter  
Dalianis, Griffin  
Drabinowicz, A Theresa  
Fields, Dennis  
Ginsburg, Ruth  
Hunter, Bruce  
Kurk, Neal  
MacGillivray, Jeffrey  
Mercer, Robert  
Mosher, William  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony  
White, Donald

**MERRIMACK**

Anderson, Eric  
Jacobson, Alf  
Lockwood, Priscilla  
Nichols, Avis  
Whalley, Michael

Davis, Francis  
Kennedy, Richard  
Marple, Richard  
Soltani, Tony

Feuerstein, Martin  
Larrabee, David Sr  
Marshall, Kenneth  
Virtue, Carolyn

Hess, David  
Leber, William  
Maxfield, Roy  
Wallin, Jean

**ROCKINGHAM**

Arndt, Janet  
Case, Margaret  
Dalrymple, Janeen  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Sabella, Norma  
Stone, Joseph  
Vaughn, Charles  
Whittier, John

Belanger, Ronald  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Gibbons, Paul  
Hamel, Albert  
Katsakiores, George  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Putnam, Ed II  
Sapareto, Frank  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Bishop, Franklin  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Henderson, Warren  
Kelley, William  
Lovejoy, Marian  
Moore, Benjamin  
Noyes, Richard  
Quandt, Marshall  
Schanda, Frank  
Tufts, J Arthur  
Welch, David

Bridle, Russell  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Grant, Kenneth  
Hutchinson, Karen  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Musler, George  
Vincent, Francis

Bickford, David  
Gilmore, Gary  
Spear, Barbara  
Woods, Phyllis

Brown, Julie  
Knowles, William  
Taylor, Kathleen

Domingo, Baldwin  
Lundborn, Raymond  
Twardus, Joseph

**SULLIVAN**

Burling, Peter  
Jones, Constance

Cloutier, John  
Leone, Richard

Donovan, Thomas Jr  
Robb-Theroux, Amy

Flint, Gordon Sr

**NAYS 110****BELKNAP**

Boriso, Thomas	Holbrook, Robert	Pilliod, James	Wood, Jane
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**CARROLL**

Torressen, Gary

**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	Manning, Joseph	Mitchell, McKim
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			

**COOS**

Glines, Sara	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Guest, Robert	Johnson, Gary
Nordgren, Sharon	Solow, Martha		

**HILLSBOROUGH**

Arthur, Rose	Bergeron, Lucien	Buckley, Raymond	Burkush, James
Carlson, Donald	Cote, David	Dokmo, Cynthia	Dwyer, Paul Sr
Ford, Nancy	Garrish, Linda	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McCarthy, William	McDonald, James Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Reidy, Frank
Vaillancourt, Steve	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
French, Barbara	Gile, Mary	Langer, Ray	Lavoie, Gerard
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Dearborn, Bruce
Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane
Langone, John	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Rubin, George	Ruffner, Walter	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Weatherspoon, Jackie		

**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair	Spang, Judith
Wall, Janet			

**SULLIVAN**

Allison, David	Phinizy, James	Tuthill, John	Wiggins, Celestine
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and the majority report was adopted.

Reps. Lozeau and Rollo declared conflicts of interest and did not participate.

**HB 1577-FN**, revising the indoor smoking act. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph D. Kenney for Commerce: This bill revives the indoor smoking act. Under this bill, smoking is prohibited in restaurants. The bill also authorizes the commissioner of health and hu-

man services to levy administrative fines on persons in charge of places of public access and publicly owned buildings and offices who repeatedly violate the indoor smoking act law. The first portion of this bill addressed banning smoking in restaurants, which was also addressed in HB 1358. The committee felt the second part to this bill, to place administrative fines on persons in charge of public buildings who allow illegal smoking, would be difficult to enforce and place a difficult administrative burden onto health and human services. Vote 13-2.

Adopted.

Rep. Rollo declared a conflict of interest and did not participate.

**HB 1579-FN**, establishing a penalty for a third violation of the youth tobacco laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph D. Kenney for Commerce: This bill as amended provides that sellers of tobacco products who are found guilty of selling to minors for a third time shall have their licenses to sell suspended or revoked. Additionally, for the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. For any violation beyond the fifth, the commission shall revoke any license. The committee felt that putting the focus on the sellers would elevate the importance of this issue of not selling tobacco products to minors. This bill now duplicates the liquor laws and rules for sellers who sell to minors the fourth and fifth time. The bill further clarifies the definition of "effectively segregated" to mean all of the conditions in the indoor smoking act paragraph of RSA 155:65, V need to be met for compliance. Vote 15-0.

**Amendment (3367h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

Amend the bill by replacing all after the enacting clause with the following:

I Penalties. RSA 126-K:4, I is repealed and reenacted to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commission shall revoke any license.

2 Penalties. RSA 126-K:5, III is repealed and reenacted to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the sampler's license shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commission shall revoke any license.

3 Penalties. RSA 126-K:8, IV is repealed and reenacted to read as follows:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed \$250 for the first offense and \$500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, subjobber, vending machine operator, or retailer where the offense occurred shall be suspended



for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commission shall revoke any license.

4 Penalties; Vending Machines. RSA 78:12-d, VII is repealed and reenacted to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than \$100 for a first offense and no more than \$200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from \$500 to \$1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from \$750 to \$3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commissioner shall revoke any license.

5 Definition Clarified; Effectively Segregated. Amend the introductory paragraph of RSA 155:65, V to read as follows:

V. "Effectively segregated" means *all* the following conditions have been met:

6 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill provides that sellers of tobacco products who are found guilty of selling to minors for third and subsequent times shall have their licenses to sell suspended or revoked.

This bill also clarifies the definition of "effectively segregated" for the purposes of the indoor smoking act.

Adopted.

Report adopted and ordered to third reading.

**HB 1608-FN-L**, relative to minors and smoking. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill changes the penalty for possession and use of tobacco products by minors to include a warning for the first offense. The committee heard testimony from the Dover Police Department chief indicating that the current law has been effective and that passing this new law would create an additional administrative workload for law enforcement. The present law fines a minor \$100 for each tobacco violation or requires up to 20 hours of community service for each offense. This bill would exclude the \$100 fine for the first offense and require a copy of a written warning be sent to the minor's parent or guardian. The problem with this bill is that there is no system of tracking those written warnings as first offenses. Vote 13-2. Rep. Pantelakos spoke against.

Rep. Kenney spoke in favor and yielded to questions.

Rep. Pantelakos requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 242 NAYS 89**

**YEAS 242**

**BELKNAP**

Boriso, Thomas  
Johnson, James  
Thomas, John

Boyce, Robert  
Millham, Alida  
Turner, Robert

Czech, Stanley  
Pilliod, James  
Wendelboe, Francine

Holbrook, Robert  
Salatiello, Thomas  
Wood, Jane

**CARROLL**

Babson, David Jr  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Gallus, John	Glines, Sara	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Dudley, Terri	Gilman, G Michael	Hinman, Harry	Marshall, Gene
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Batula, Peter	Beaupre, Roland	Belvin, William
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Hunter, Bruce	Jean, Claudette	Jean, Loren
Keye, Harvey	Kurk, Neal	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen
McCarthy, William	McCarty, Winston	McDonald, James Sr	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Wall, Nancy	White, Donald		

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Hess, David	Jacobson, Alf	Langer, Ray
Larrabee, David Sr	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Reardon, Tara
Soltani, Tony	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard

Reardon, Neil  
Schanda, Frank  
Stritch, C Donald  
Weare, Everett  
Zolla, William

Rubin, George  
Shelton, Richard  
Tufts, J Arthur  
Welch, David

Ruffner, Walter  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Sapareto, Frank  
Stone, Joseph  
Vaughn, Charles  
Whittier, John

### STRAFFORD

Berube, Roger  
Heon, Richard  
Musler, George  
Spear, Barbara  
Woods, Phyllis

Callaghan, Frank  
Johnson, Nancy  
Rollo, Michael  
Taylor, Kathleen

Cossette, Larry  
Knowles, William  
Snyder, Clair  
Twardus, Joseph

Domingo, Baldwin  
Lundborn, Raymond  
Spang, Judith  
Wall, Janet

### SULLIVAN

Burling, Peter  
Robb-Theroux, Amy

Flint, Gordon Sr

Jones, Constance

Leone, Richard

### NAYS 89

### BELKNAP

None

### CARROLL

Bradley, Jeb

### CHESHIRE

DePecol, Benjamin  
Pratt, John

Doucette, Richard  
Richardson, Barbara

Lynch, Margaret  
Robertson, Timothy

Mitchell, McKim  
Russell, Ronald

### COOS

Landers, Dana

Pratt, Leighton

Rodrigue, Robert

### GRAFTON

Copenhaver, Marion  
Solow, Martha

Guest, Robert

Hall, David

Johnson, Gary

### HILLSBOROUGH

Baroody, Benjamin  
Cote, David  
Garrish, Linda  
Johnson, Lionel  
Lynde, Harold  
Vaillancourt, Steve

Bergeron, Lucien  
Cote, Peter  
Ginsburg, Ruth  
Konys, Christine  
McDonough-Wallace, Alice  
White, John

Burkush, James  
Craig, James  
Gorman, Mary  
Lasky, Bette  
Reidy, Frank  
Williams, Carol

Clemons, Jane  
Dwyer, Paul Sr  
Hall, Betty  
Lefebvre, Roland  
Simon, Anthony

### MERRIMACK

Bouchard, Candace  
Kennedy, Richard  
Potter, Frances  
Virtue, Carolyn

Chase, George  
Lavoie, Gerard  
Rosenfield, Jay  
Wallin, Jean

French, Barbara  
Moore, Carol  
Seldin, Gloria  
Wallner, Mary Jane

Gile, Mary  
Owen, Derek  
St Cyr, Gerard  
Yeaton, Charles

### ROCKINGHAM

Blanchard, MaryAnn  
Kelley, Jane  
Sabella, Norma

Clark, Martha  
Lovejoy, Marian  
Shultis, Elizabeth

Dowling, Patricia  
Norelli, Terie  
Splaine, James

Kane, Cecelia  
Pantelakos, Laura  
Weatherspoon, Jackie

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Grassie, Anne  
Pelletier, Arthur

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Rogers, Rose Marie

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Vincent, Francis

Brown, Julie  
Gilmore, Gary  
Lent, Donald

**SULLIVAN**

Allison, David  
Tuthill, John

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas Jr

Phinizy, James

and the report was adopted.

**HB 1391**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. **OUGHT TO PASS**

Rep. Everett A. Weare for Criminal Justice and Public Safety: Presently, the non-appearance of the law enforcement officer at a Administrative License Suspension hearing invariability grants the right to operate to the individual thereby negating the purpose of the hearing. The requirement to have the law enforcement officer present at the request of the individual at the hearing is placing a financial and operational burden on many of the small law enforcement agencies throughout the state. The changes in this bill will allow the hearing to be conducted upon the review of the law enforcement officer's report or sworn affidavit. Should the individual desire the officer to be present he may do so by subpoenaing him at his or her cost or have a deposition taken prior to the hearing. Vote 10-4.

Rep. Welch moved Re-commit to committee and spoke in favor.

Adopted.

**HB 1208**, relative to the appointment of non-certified employees within a school administrative unit. **INEXPEDIENT TO LEGISLATE**

Rep. Clair A. Snyder for Education: This bill was submitted at the request of a constituent who subsequently could not garner any support. The prime sponsor also felt, without constituent support, this bill was unnecessary. There are currently administrative rules for hiring non-certified personnel through alternative processes to get them certified. Vote 13-2.

Adopted.

**SPECIAL ORDER**

**HB 1499**, relative to credit for American sign language and transliteration as a foreign language. **INEXPEDIENT TO LEGISLATE**

Rep. Warren Henderson for Education: The committee heard compelling testimony about the special challenges faced by members of the deaf and hard of hearing community. When all the facts had been presented, however, it was evident that this issue needs more examination before such a bill is passed. The committee is currently considering formation of a commission for the deaf and hard of hearing, which could take up this issue. Among the concerns expressed by the committee were: 1) American Sign Language (ASL) as the only language for the deaf and hard of hearing may not be justified. 2) Categorizing American Sign Language as a "foreign" language did not seem appropriate. The Department of Education testified that the intent of this bill could be accomplished without legislation. They indicated that this chapter of administrative rules was undergoing major revision. They pointed out that no other specific language is mentioned in statute as mandated to meet the foreign language requirement and "foreign language" will be changed to "world language". Vote 13-2.

Rep. Gilman spoke against.

Rep. Henderson spoke in favor.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 233 NAYS 94**

**YEAS 233**

**BELKNAP**

Boriso, Thomas  
Pilliod, James  
Wendelboe, Francine

Czech, Stanley  
Salatiello, Thomas

Holbrook, Robert  
Thomas, John

Millham, Alida  
Turner, Robert

**CARROLL**

Babson, David Jr  
Kenney, Joseph  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey



**CHESHIRE**

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Riley, William  
Russell, Ronald

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Roberts, William  
Smith, Edwin

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Rose, William  
Zerba, Roger

Doucette, Richard  
Manning, Joseph  
Richardson, Barbara  
Royce, H Charles

**COOS**

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn  
Tholl, John Jr

Mears, Edgar  
Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Guest, Robert  
Scanlan, David

Alger, John  
Johnson, Gary  
Solow, Martha

Copenhaver, Marion  
Marshall, Gene

Dudley, Terri  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Brundige, Robert  
Clemons, Jane  
Desmarais, Vivian  
Durham, Susan  
Fletcher, Richard  
Ginsburg, Ruth  
Hansen, Herbert  
Johnson, Lionel  
Lessard, Rudy  
McCarty, Winston  
Mendenhall, Leslie  
Moran, Edward  
O'Hearn, Jane  
Reeves, Sandra  
Sargent, Maxwell  
White, Donald

Alukonis, David  
Beaupre, Roland  
Bruno, Pierre  
Coughlin, Pamela  
Desrosiers, William  
Emerton, Lawrence  
Ford, Nancy  
Gorman, Mary  
Herman, Keith  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Reidy, Frank  
Thulander, O Alan

Andrews, Frederick  
Belvin, William  
Calawa, Leon Jr  
Daigle, Robert  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda  
Goulet, Maurice  
Jean, Claudette  
LaRose, Richard  
MacGillivray, Jeffrey  
McGough, Tim  
Messier, Irene  
Murphy, Robert  
Pepino, Leo  
Rowe, Robert  
Vaillancourt, Steve

Arnold, Thomas Jr  
Bergin, Peter  
Carlson, Donald  
Dalianis, Griffin  
Drabinowicz, A Theresa  
Fields, Dennis  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Jean, Loren  
Leishman, Peter  
Martel, Andre  
Melcher, Harold  
Milligan, Robert  
Nolan-Piteri, Dawn  
Peterson, Andrew  
Sarette, John  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Jacobson, Alf  
Leber, William  
Moore, Carol  
Seldin, Gloria  
Whittemore, James

Bouchard, Candace  
Gile, Mary  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
St Cyr, Gerard  
Yeaton, Charles

Daneault, Gabriel  
Hager, Elizabeth  
Larrabee, David Sr  
Marple, Richard  
Reardon, Tara  
Wallin, Jean

Davis, Francis  
Hess, David  
Lavoie, Gerard  
Marshall, Kenneth  
Rosenfield, Jay  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Case, Margaret  
DiFruscia, Anthony  
Flanders, David  
Gleason, John  
Hutchinson, Karen  
Katsakiores, Phyllis  
Langone, John  
Mikowski, Walter  
Noyes, Richard  
Reardon, Neil

Arndt, Janet  
Cooney, Richard  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Rubin, George

Belanger, Ronald  
Cox, Russell  
Downing, Michael  
Francoeur, Sheila  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Packard, Sherman  
Ruffner, Walter

Bishop, Franklin  
Dearborn, Bruce  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Raynowska, Bernard  
Schanda, Frank

Shelton, Richard  
 Stritch, C Donald  
 Welch, David

Shultis, Elizabeth  
 Tufts, J Arthur  
 Whittier, John

Stickney, Nancy  
 Vaughn, Charles  
 Zolla, William

Stone, Joseph  
 Weare, Everett

### STRAFFORD

Berube, Roger  
 Cossette, Larry  
 Gilmore, Gary  
 Lent, Donald  
 Snyder, Clair

Bickford, David  
 Domingo, Baldwin  
 Grassie, Anne  
 Lundborn, Raymond  
 Spear, Barbara

Brennan, William  
 Dunlap, Patricia  
 Kaen, Naida  
 Musler, George  
 Vincent, Francis

Callaghan, Frank  
 Estabrook, Iris  
 Keans, Sandra  
 Pelletier, Arthur  
 Wall, Janet

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Wiggins, Celestine

Burling, Peter  
 Jones, Constance

Cloutier, John  
 Leone, Richard

Donovan, Thomas Jr  
 Robb-Theroux, Amy

### NAYS 94

### BELKNAP

Boyce, Robert

Johnson, James

Wood, Jane

### CARROLL

Dickinson, Howard

Sullivan, P Judith

Torresen, Gary

### CHESHIRE

DePecol, Benjamin

Lynch, Margaret

Pratt, John

Robertson, Timothy

### COOS

Gallus, John

Glines, Sara

Landers, Dana

Pratt, Leighton

### GRAFTON

Almy, Susan  
 Hall, David

Cobb, John  
 Hinman, Harry

Eaton, Stephanie  
 Picconi, Al

Gilman, G Michael  
 Ward, Brien

### HILLSBOROUGH

Arthur, Rose  
 Burkush, James  
 Cote, Peter  
 Garrish, Linda  
 Keye, Harvey  
 Lefebvre, Roland  
 McCarthy, William  
 Tate, Joan

Baroody, Benjamin  
 Christiansen, Lars  
 Craig, James  
 Goley, Jeffrey  
 Konys, Christine  
 Leonard, Peter  
 McDonald, James Sr  
 White, John

Bergeron, Lucien  
 Clegg, Robert Jr  
 Daniels, Gary  
 Hall, Betty  
 LaPorte, George  
 Lynde, Harold  
 O'Connell, Timothy  
 Williams, Carol

Buckley, Raymond  
 Cote, David  
 Dwyer, Paul Sr  
 Hunter, Bruce  
 Lasky, Bette  
 Martin, Mary Ellen  
 Simon, Anthony

### MERRIMACK

Brewster, Richard  
 Potter, Frances

Chase, George  
 Soltani, Tony

French, Barbara  
 Virtue, Carolyn

Kennedy, Richard

### ROCKINGHAM

Blanchard, MaryAnn  
 Dalrymple, Janeen  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Sapareto, Frank  
 Weyler, Kenneth

Bridle, Russell  
 Grant, Kenneth  
 Moore, Benjamin  
 Putnam, Ed II  
 Splaine, James

Clark, Martha  
 Kane, Cecelia  
 Nowe, Mary Lou  
 Quandt, Marshall  
 Varrell, Thomas

Clark, Vivian  
 Kelley, Jane  
 Pantelakos, Laura  
 Sabella, Norma  
 Weatherspoon, Jackie

### STRAFFORD

Brown, George  
 Johnson, Nancy  
 Taylor, Kathleen

Brown, Julie  
 Knowles, William  
 Twardus, Joseph

DeChane, Marlene  
 Rogers, Rose Marie  
 Woods, Phyllis

Heon, Richard  
 Rollo, Michael

**SULLIVAN**

Phinizy, James                      Tuthill, John  
and the report was adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 1464**, relative to the licensing process for new health care facility construction. **OUGHT TO PASS**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: Everyone agrees that healthcare costs are increasing and that medical care and payment reform requires closer scrutiny. Under current law, the Health Services Planning & Review Board, a.k.a. "Certificate of Need Board", is mandated to review any medical facilities where the "construction" costs exceed \$1.1 million (a.k.a. threshold figure) or when medical equipment costs exceed a separate threshold figure of \$400,000. It is the majority opinion of the subcommittee and the full Health and Human Services Committee that the C.O.N. Board seemingly has ignored statute and has, through rules, not statute, imposed an arbitrary threshold of \$750,000, above which a complete application would be required for review. These factors guided this proposed bill to clarify the law. Another board abuse is the inclusion of land in the "construction" threshold...whether it is a freestanding building or part of an existing building. This bill simplifies and clarifies current law and was supported in a non-partisan majority vote. Vote 12-5.

Reps. Copenhaver and Millham spoke against.

Reps. Emerton and Wendelboe spoke in favor and yielded to questions.

Rep. Manning spoke against and yielded to questions.

Rep. Ruffner spoke in favor.

Rep. Emerton requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 203 NAYS 118****YEAS 203****BELKNAP**

Boyce, Robert	Czech, Stanley	Johnson, James	Lawton, David
Pilliod, James	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			

**CARROLL**

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Avery, Stephen	Hunt, John	Lynott, Margaret	Meador, David
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Eaton, Stephanie	Gilman, G Michael
Hall, David	Hinman, Harry	Marshall, Gene	Picconi, Al
Scanlan, David	Ward, Brien		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Clegg, Robert Jr	Clemons, Jane

Coughlin, Pamela  
 Durham, Susan  
 Gagnon, Eugene  
 Herman, Keith  
 Kurk, Neal  
 Lefebvre, Roland  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Moran, Edward  
 O'Hearn, Jane  
 Rowe, Robert  
 Thulander, O Alan  
 White, Donald

Dalianis, Griffin  
 Dwyer, Paul Sr  
 Goulet, Maurice  
 Hunter, Bruce  
 L'Heureux, Robert  
 Leishman, Peter  
 Martel, Andre  
 Mendenhall, Leslie  
 Mosher, William  
 Pappas, John  
 Sarette, Marc  
 Turgeon, Roland

Daniels, Gary  
 Emerton, Lawrence  
 Haettenschwiller, Alphonse  
 Jean, Loren  
 LaPorte, George  
 Lessard, Rudy  
 McCarthy, William  
 Mercer, Robert  
 Nolan-Piteri, Dawn  
 Peterson, Andrew  
 Sargent, Maxwell  
 Vaillancourt, Steve

Dokmo, Cynthia  
 Fields, Dennis  
 Hansen, Herbert  
 Johnson, Lionel  
 LaRose, Richard  
 Lozeau, DonnaLee  
 McCarty, Winston  
 Milligan, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Tate, Joan  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Feuerstein, Martin  
 Larrabee, David Sr  
 Marple, Richard  
 Reardon, Tara  
 Whalley, Michael

Brewster, Richard  
 Hess, David  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Soltani, Tony

Daneault, Gabriel  
 Jacobson, Alf  
 Leber, William  
 Moore, Carol  
 Virtue, Carolyn

Davis, Francis  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Nichols, Avis  
 Wallin, Jean

### ROCKINGHAM

Arndt, Janet  
 Clark, Martha  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, John Sr  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Norelli, Terie  
 O'Neil, Michael  
 Raynowska, Bernard  
 Shultis, Elizabeth  
 Tufts, J Arthur  
 Welch, David

Belanger, Ronald  
 Clark, Vivian  
 Dearborn, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Hutchinson, Karen  
 Kelley, William  
 Letourneau, Robert  
 Mikowski, Walter  
 Nowe, Mary Lou  
 Packard, Sherman  
 Rubin, George  
 Stickney, Nancy  
 Varrell, Thomas  
 Weyler, Kenneth

Bridle, Russell  
 Cooney, Richard  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Moore, Benjamin  
 Nowe, Ronald  
 Putnam, Ed II  
 Ruffner, Walter  
 Stone, Joseph  
 Vaughn, Charles  
 Whittier, John

Case, Margaret  
 Cox, Russell  
 Dowling, Patricia  
 Flanders, David  
 Grant, Kenneth  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Morse, Charles  
 Noyes, Richard  
 Quandt, Marshall  
 Sapareto, Frank  
 Stritch, C Donald  
 Weare, Everett  
 Zolla, William

### STRAFFORD

Bickford, David  
 Gilmore, Gary  
 Woods, Phyllis

Cossette, Larry  
 Heon, Richard

Domingo, Baldwin  
 Knowles, William

Estabrook, Iris  
 Spear, Barbara

### SULLIVAN

Donovan, Thomas Jr  
 Wiggins, Celestine

Flint, Gordon Sr

Leone, Richard

Robb-Theroux, Amy

### NAYS 118

### BELKNAP

Boriso, Thomas

Holbrook, Robert

Millham, Alida

Wood, Jane

### CARROLL

### CHESHIRE

Batchelder, Robert  
 Lerandeau, Alfred  
 Mitchell, McKim

Burnham, Daniel  
 Lynch, Margaret  
 Richardson, Barbara

DePecol, Benjamin  
 Manning, Joseph  
 Robertson, Timothy

Doucette, Richard  
 McGuirk, Paul



**COOS**

Glines, Sara	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Guest, Robert
Johnson, Gary	Nordgren, Sharon	Phinney, William	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Desmarais, Vivian
Desrosiers, William	Drabinowicz, A Theresa	Fenton, James	Fletcher, Richard
Ford, Nancy	Foster, Linda	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Jean, Claudette	Keye, Harvey
Kony, Christine	Lasky, Bette	Leonard, Peter	Lynde, Harold
Martin, Mary Ellen	McDonald, James Sr	McDonough-Wallace, Alice	Melcher, Harold
Murphy, Robert	Pepino, Leo	Reidy, Frank	Simon, Anthony
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Chase, George	French, Barbara	Gile, Mary
Hager, Elizabeth	Langer, Ray	Potter, Frances	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Gibbons, Paul	Griffin, Mary
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Pitts, Jacqueline	Reardon, Neil	Schanda, Frank	Shelton, Richard
Splaine, James	Weatherspoon, Jackie		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Jones, Constance
Phinizy, James	Tuthill, John		

and the report was adopted.

Ordered to third reading.

**RECESS**

(Speaker Sytek in the Chair)

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 553-FN-A**, establishing a commission on the status of men. (Amendment printed SJ 2/10/00)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Sapareto, Zolla, Boyce and Burkush.

**CONCURRENCE**

**HB 1381**, relative to the dissolution of the Pawtuckaway cooperative high school district.

**CONCURRENCE WITH AMENDMENT**

**SB 178-FN-A**, relative to appropriations to the port authority for dredging projects.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 375 and 1381 and Senate Bills 147 and 178.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**REGULAR CALENDAR (CONT'D.)**

**HB 1607**, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill would establish a study committee to consider legislation, which would require New Hampshire to reduce to zero the number of mentally retarded or developmentally disabled individuals who are not receiving Medicaid services for which they are eligible. The committee would also consider the minimum timeframe and costs required to accomplish this reduction in a fiscally responsible manner. Vote 12-5.

Adopted and ordered to third reading by the necessary two-thirds.

**HB 1507**, establishing a committee to investigate allegations against supreme court justice Thayer regarding unreported and underreported income. **REFER FOR INTERIM STUDY**

Rep. Loren J. Jean for Judiciary: The committee finds that since the courts Judicial Conduct Committee has the Justice Thayer matter presently before it, and since the courts Judicial Conduct proceedings concerning Justice Thayer are being undertaken in secret, the most prudent position for the legislature to take on this question at this time is to wait for the conclusion of ongoing Judicial Conduct proceedings before voting on the merits of making an independent inquiry. The legislature will be better able to judge by waiting for the outcome of the JCC proceedings on whether or not further inquiry into the Justice Thayer matter ought to be initiated by the general court. Vote 14-3.

Adopted by the necessary two-thirds.

**HB 1123-FN-L**, relative to local planning and zoning enforcement procedures. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill was introduced to require that trial courts enjoin transfers of lots in unapproved subdivisions and award costs and fees to the municipality when such transfers of lots occur. Current law provides that injunctions and the award of costs and fees may be ordered at the discretion of the court. Some opponents of the bill were concerned that our courts already favor municipalities. Others expressed the fear that by "upping the ante" in this way, municipalities actually might face a more difficult fight when they attempt to enforce their ordinances. The Committee feels that the current statute provides adequate remedies for both municipalities and the public. Vote 12-2.

Adopted by the necessary two-thirds.

**CLERK'S NOTE**

The Constitutionally required two-thirds of the membership was declared present.

**REGULAR CALENDAR (CONT'D.)**

**HB 1576-FN-A**, abolishing ramp tolls along state highways and increasing the gasoline tax. **INEXPEDIENT TO LEGISLATE**

Rep. Bernard J. Raynowska for Public Works and Highways: The committee has worked with this issue before and understands the problems created, as well as the strong feeling from the Merrimack citizens. We also understand that removing the tolls on July 1, 2000, and increasing the gas tax by two cents a gallon within sixty days would create great problems. Toll issues have been troublesome for many citizens for a long period of time. Someone has been listening and progress is being made. The Commissioner of Transportation received approval from the Governor and Council for

funding a study to remove the tolls. The study will start soon, and the full report will be completed by the end of August 2000. Removing tolls without having any idea of changes to traffic patterns could be very disruptive. We now have something in place and are proceeding. The Department of Transportation proposal would affect an orderly and systematic removal of the tolls. The DOT proposal has the Merrimack tolls at exits 10, 11 and 12 as its first order of business. Vote 11-4. On a division vote, 215 members having voted in the affirmative and 34 in the negative, the report was adopted.

**HB 1101**, establishing a Pillsbury state park advisory commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. David M. Lawton for the Majority of Resources, Recreation and Development: HB 1101 seeks to impose a state park advisory commission on the operation of Pillsbury State Park. The majority of the committee believes that this proposal is an unnecessary government intrusion into the park's operations which are currently under the watchful eyes of the "Friends of Pillsbury State Park, Inc." The "Friends" group is a charitable non-profit organization made up of approximately 50 volunteers who have forged a strong connection with the division of parks and recreation in the cooperative management of the park including many educational and informational programs. Given that this extremely active and dedicated volunteer group is already in place, enacting this bill would be duplication of efforts which could fatally fracture the "Friends" group and destroy a relationship that is already working well. Vote 10-6.

Rep. MaryAnn N. Blanchard for the Minority of Resources, Recreation and Development: The Minority of Resources, Recreation and Development believes that the purpose of a Pillsbury State Park Advisory Commission is to ensure that a formal relationship exists between representatives of the local governing bodies (Goshen and Washington Selectmen) and the Department of Parks. This would provide valuable communication when changes are proposed for this 2,300 acre property in both towns. Yes, there is an active Friends group. Their primary focus however, is educational and the concerns that towns have are different: Impacts on services plus abutting property owners.

Rep. Phinizy spoke against and yielded to questions.

Rep. Royce spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 176 NAYS 143

### YEAS 176

#### BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Pilliod, James	Thomas, John
Turner, Robert	Wendelboe, Francine		

#### CARROLL

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Sullivan, P Judith	Torresen, Gary

#### CHESHIRE

Avery, Stephen	Hunt, John	Lerandeau, Alfred	Manning, Joseph
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr	Woodward, David

#### GRAFTON

Akins, Ralph	Alger, John	Dudley, Terri	Eaton, Stephanie
Hinman, Harry	Marshall, Gene	Phinney, William	Picconi, Al
Scanlan, David	Ward, Brien		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Craig, James	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence
Fenton, James	Fletcher, Richard	Ford, Nancy	Gagnon, Eugene
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	McCarty, Winston	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy

**MERRIMACK**

Anderson, Eric	Davis, Francis	Feuerstein, Martin	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Whalley, Michael			

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Clark, Vivian	Cooney, Richard	Cox, Russell
Dowling, Patricia	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Kelley, William
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Putnam, Ed II	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Weare, Everett	Welch, David
Whittier, John	Zolla, William		

**STRAFFORD**

Bickford, David	Callaghan, Frank	Cossette, Larry	Dunlap, Patricia
Musler, George	Rollo, Michael	Spear, Barbara	Vincent, Francis
Woods, Phyllis			

**SULLIVAN**

None

**NAYS 143****BELKNAP**

Millham, Alida	Wood, Jane
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**CARROLL**

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Philbrick, Donald
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**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	



**COOS**

Glines, Sara	Landers, Dana	Mears, Edgar
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**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Gilman, G Michael
Guest, Robert	Hall, David	Johnson, Gary	Nordgren, Sharon
Solow, Martha			

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bruno, Pierre
Buckley, Raymond	Burkush, James	Cote, David	Cote, Peter
Daigle, Robert	Drabinowicz, A Theresa	Dwyer, Paul Sr	Fields, Dennis
Foster, Linda	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Jean, Claudette	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Leonard, Peter	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	Mendenhall, Leslie	O'Connell, Timothy
Pepino, Leo	Reidy, Frank	Simon, Anthony	Vaillancourt, Steve
White, Donald	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Potter, Frances	Poulin, Dave	Reardon, Tara	Rosenfield, Jay
Seldin, Gloria	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Clark, Martha	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, Phyllis
Kelley, Jane	Langone, John	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Marshall	Rubin, George	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Phinizz, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

and the majority report was adopted.

**LAID ON THE TABLE**

Rep. Guay moved that **HB 1375**, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds, be laid on the table.

Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 1213**, establishing a commission to develop a pilot program for displaced veterans. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The committee has the deepest regard and respect for the sponsors of this bill. However, the committee feels that there are

several veterans programs and services already in place such as Outreach, the Veterans Home and the Veterans Hospital. In addition, there are local veterans groups, which provide programs and services to those veterans who wish to participate. Vote 11-1.

Adopted.

**HB 1454**, relative to restrictions of persons possessing any fish and game license. **OUGHT TO PASS WITH AMENDMENT**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill remedies restrictions on the ability of Fish and Game to hire and compensate deputy officers. The bill will allow more flexibility in donated hours and allow retired Conservation Officers over the age of 55 to participate. Vote 10-6.

**Amendment (3274h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to deputy conservation officers in the fish and game department.

Amend the bill by replacing all after the enacting clause with the following:

1 Deputy Conservation Officer; Qualifications; Age. Amend RSA 206:27-b, IV to read as follows:

IV. ~~[Between the ages of] At least 21 years [and 55 years] of age[; provided, however, retired personnel of the department of fish and game are exempted from the provisions of this paragraph];~~

2 Deputy Conservation Officer; Compensation; Volunteer Service. Amend RSA 206:27-h to read as follows:

206:27-h Compensation. All deputy conservation officers shall be compensated for their services while actively engaged in the performance of their official duties at rates as fixed by the executive director; provided, however, all deputy conservation officers shall serve 8 hours per month without compensation. *This section shall not prohibit a deputy conservation officer from volunteering more hours than the 8 hours per month without compensation.*

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill changes the age requirements for service as a deputy conservation officer in the fish and game department, and allows for additional volunteer service by deputy conservation officers. Adopted.

Report adopted and ordered to third reading.

**HB 1456**, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would apply only to the one bank in New Hampshire that is a credit card issuer. On a typical day that bank processes approximately 300,000 credit card payments. The committee felt that this bill would place an undue burden on this institution by requiring retention of envelopes used for payments, while having no effect on credit card issuers located in other states. The committee also heard testimony that the postmark could be falsified by using a postage machine. Vote 12-0.

Rep. Jacobson spoke against.

Rep. Francoeur spoke in favor and yielded to questions.

Rep. Francoeur requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 184 NAYS 133**

**YEAS 184**

**BELKNAP**

Boriso, Thomas  
Lawton, David

Boyce, Robert  
Pilliod, James

Czech, Stanley  
Thomas, John

Holbrook, Robert  
Turner, Robert

**CARROLL**

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meador, David	Roberts, William	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

**GRAFTON**

Almy, Susan	Eaton, Stephanie	Hall, David	Marshall, Gene
Scanlan, David	Solow, Martha	Ward, Brien	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Daigle, Robert	Daniels, Gary	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence
Fletcher, Richard	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Garrish, Linda	Goulet, Maurice	Haettenschwiller, Alphonse	Herman, Keith
Jean, Claudette	Jean, Loren	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Thulander, O Alan
Wall, Nancy			

**MERRIMACK**

Anderson, Eric	Davis, Francis	Feuerstein, Martin	Hess, David
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Reardon, Tara	Rosenfield, Jay	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Case, Margaret
Christie, Andrew Jr	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Fesh, Robert	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Langley, Jane	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Putnam, Ed II	Raynowska, Bernard	Rubin, George	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Johnson, Nancy	Kaen, Naida	Musler, George
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Allison, David	Burling, Peter	Leone, Richard	Robb-Theroux, Amy
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**NAYS 133****BELKNAP**

Johnson, James	Millham, Alida	Wendelboe, Francine	Wood, Jane
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**CARROLL**

Babson, David Jr	Dickinson, Howard	Sullivan, P Judith
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**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	Mitchell, McKim	Richardson, Barbara	Riley, William
Robertson, Timothy			

**COOS**

Glines, Sara	Landers, Dana	Mears, Edgar	Pratt, Leighton
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**GRAFTON**

Akins, Ralph	Alger, John	Cobb, John	Copenhaver, Marion
Dudley, Terri	Gilman, G Michael	Guest, Robert	Hinman, Harry
Johnson, Gary	Nordgren, Sharon	Phinney, William	Picconi, Al

**HILLSBOROUGH**

Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin	Bruno, Pierre
Buckley, Raymond	Burkush, James	Cote, David	Craig, James
Dalianis, Griffin	Desmarais, Vivian	Fenton, James	Fields, Dennis
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hansen, Herbert
Hunter, Bruce	Johnson, Lionel	LaPorte, George	Leonard, Peter
Lynde, Harold	Martin, Mary Ellen	McCarthy, William	McDonald, James Sr
Milligan, Robert	Murphy, Robert	O'Connell, Timothy	Pepino, Leo
Reidy, Frank	Simon, Anthony	Tate, Joan	Turgeon, Roland
Vaillancourt, Steve	White, Donald	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
French, Barbara	Gile, Mary	Jacobson, Alf	Kennedy, Richard
Moore, Carol	Potter, Frances	Poulin, Dave	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Dowling, Patricia	Flanagan, Natalie
Grant, Kenneth	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langone, John	Letourneau, Robert	Mikowski, Walter
Moore, Benjamin	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger	Domingo, Baldwin	Gilmore, Gary	Heon, Richard
Keans, Sandra	Knowles, William	Lent, Donald	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Snyder, Clair	Vachon, Dennis
Vincent, Francis			

**SULLIVAN**

Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr	Jones, Constance
Phinzy, James	Tuthill, John	Wiggins, Celestine	

and the report was adopted.



**HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss. **OUGHT TO PASS WITH AMENDMENT**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill would create a task force to assist New Hampshire's community of deaf and hard of hearing, and establish a non-profit interpreter referral and resource center. The Department of Education and Health and Human Services have agreed to provide significant help to make the center a model location for interpreter referrals, job placement, peer counseling and advocacy services. Vote 14-0.

**Amendment (3320h)**

Amend the bill by replacing all after the enacting clause with the following:

I. Statement of Findings. The general court finds that there is an urgent need for a statewide interpreter referral and resource center dedicated to people who are deaf or who have a hearing loss. Moreover, the general court finds that:

I. Improved interpreter referral services would benefit the business community, educational institutions, health care providers, law enforcement and court systems, state agencies, the general court, and others who require such services to effectively communicate with deaf persons and persons who are hard of hearing.

II. An information and referral service operated by and for persons who are deaf and hard of hearing would promote access of such persons to the community based health care, educational, employment, and social services that are available to all citizens.

III. Development of peer counseling, job placement, and advocacy services would enhance the ability of individuals who are deaf or hard of hearing to contribute to their communities.

**2 Task Force Established; Membership; Terms.**

I. There is hereby established the New Hampshire task force on deafness and hearing loss. The task force shall consist of the following members:

(a) One member of the house of representatives who shall be from the health, human services, and elderly affairs committee, appointed by the speaker of the house.

(b) One member of the senate who shall be from the public institutions, health, and human services committee, appointed by the president of the senate.

(c) One member from the governor's commission on disabilities, appointed by the governor.

(d) Two representatives of the department of health and human services, appointed by the commissioner.

(e) One representative of the department of employment security, appointed by the commissioner.

(f) Two representatives of the department of education, appointed by the commissioner.

(g) One representative of the administrative office of the courts, appointed by the chief justice of the New Hampshire superior court.

(h) The president of the New Hampshire Association of the Deaf, or designee.

(i) One representative of the New Hampshire Association of the Deaf, appointed by the president of the New Hampshire Association of the Deaf, or designee.

(j) The president of Self Help for the Hard of Hearing, or designee.

(k) One representative from Self Help for the Hard of Hearing, appointed by the president of Self Help for the Hard of Hearing, or designee.

(l) One representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the president of the New Hampshire Registry of Interpreters for the Deaf, or designee.

II. The task force members shall serve without compensation, except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

**3 Organization; Meetings.**

I. The task force shall be convened by the named member of the house of representatives, and shall hold its first meeting no later than 30 days after the effective date of this act. The task force shall meet in the facilities of the department of health and human services.

II. The task force shall meet with sufficient frequency to complete its duties, including recommendations for proposed legislation, within 4 months of the effective date of this act.

III. The department of education and health and human services shall provide administrative support, in equal measure, for the task force, including interpreter services for task force meetings.

**4 Duties. The task force shall:**

I. Review the structure of interpreter referral services in other states.

II. Identify the public agencies within New Hampshire that need interpreter referral services.

III. Identify potential funding sources, including user fees, public/private partnerships, and grant opportunities available from the departments of education and health and human services, that could be accessed to support an interpreter referral and resource center in New Hampshire.

IV. Facilitate the development of a private, not for profit organization to provide information, interpreter referral, and other related services.

V. Determine whether the department of education or the department of health and human services is the most appropriate agency for any requests for proposals which may be needed, and select such agency to be responsible for this process.

5 Report. The task force shall submit a report of its findings and actions, including proposals for legislation to the governor and council, the speaker of the house, the president of the senate, the chairperson of the house committee on health, human services, and elderly affairs, and the chairperson of the senate committee on public institutions, health, and human services no later than 4 months from the effective date of this act.

6 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 1487-FN-L**, reducing the interest rate on delinquent property tax payments and subsequent tax payments. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas E. Rice for Municipal and County Government: Testimony that multiple rates of interest would produce many problems for tax collectors and that the present rates seem to be a good compromise between public and private concerns persuaded the committee to ITL this bill. Vote 12-1.

Rep. Vaillancourt spoke against.

Rep. Hess spoke in favor.

On a division vote, 253 members having voted in the affirmative and 64 in the negative, the report was adopted.

**HB 1433**, relative to notice to abutters by the department of transportation of proposed construction projects. **INEXPEDIENT TO LEGISLATE**

Rep. John R. Cloutier for Public Works and Highways: This bill provides that the Commissioner of the Department of Transportation shall identify abutters to a proposed construction project, and provide them with notice and an opportunity to be heard prior to the initiation of such construction project. The bill also provides that prehearing notice be afforded to an owner of property abutting a construction project which may result in the loss of any portion of the owner's property, and requires the department to make restitution to such owner. The Transportation Commissioner testified in opposition to the bill. He said passage of the bill would unduly hamper his department's highway work because, among other items, the bill's use of the word "construction" is too vague and not well defined. Could the bill apply even to drainage and shoulder repairs for example? The Commissioner admitted a few problems with the department's notifying just the described abutters in the past, but that present law works well overall for the abutters, and that such problems can be resolved through its administrative procedures instead. Vote 13-0.

Rep. Alger spoke against.

Adopted.

**HB 1103**, relative to the number of motor vehicle dealer plates. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would require that a motor vehicle dealer be given three dealer plates whether the dealer wanted them or not. During the 1997-98 legislative session the House Transportation committee rewrote the dealer plate law. One of the changes to those laws was not to "automatically" issue the dealers three plates. However, upon request and need dealers may receive as many plates as they may need. Vote 17-0.

Reps. Batchelder, Christiansen and Robertson spoke against.

Reps. Letourneau and Packard spoke in favor.

Adopted.

**HB 1230**, abolishing the requirement that purchasers of new motor vehicles must surrender the certificate of origin to the department of motor vehicles. **INEXPEDIENT TO LEGISLATE**

Rep. Gordon E. Bartlett for Transportation: The certificate of origin is a piece of paper that a dealer receives from the manufacturer, in essence, a certificate of ownership to the dealer. When the dealer sells that vehicle to a customer, the certificate of origin is turned over to the Department of Safety, along with a purchase title application. This is the start of the titling process. If the customer paid for the vehicle, the customer will receive a New Hampshire title. If the vehicle is financed, the title will go to the lien holder until the vehicle is paid for. Vote 17-0.

Rep. Marple spoke against.

Rep. Packard spoke in favor.

Rep. Marple requested a roll call; not sufficiently seconded.

Adopted.

**HB 1266-FN**, relative to classification of and standards for custom vehicles manufactured during or after 1949, and establishing special plates for such vehicles. **INEXPEDIENT TO LEGISLATE**  
Rep. Robert J. Letourneau for Transportation: The committee recognizes the sponsors' good intentions in drafting this legislation. The committee researched this issue with the Department of Safety, and the results of this research concludes that this bill as written would allow any vehicle to be exempt from inspection requirements by not meeting the current criteria. This would create a new class of vehicle and would require a major overhaul of current statutes. Vote 15-0.

Rep. Francis Davis spoke to the bill.

Adopted.

### SUSPENSION OF RULES

Reps. Chandler and Burling move that the Rules be so far suspended as to permit consideration at the present time, without the proper notice, of **HCR 32**, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve.

Adopted by the necessary two-thirds.

### CONSIDERATION OF HCR 32

**HCR 32**, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: New Hampshire is experiencing a shortage of heating fuel and the demand is at its' highest at this time of year. In most cases, the price has tripled over last year's. There are many working families and senior citizens that do not qualify for federal fuel assistance. The federal government has stockpiled additional petroleum in anticipation of Y2K-related shortfalls. Releasing some of this reserve would help to alleviate the supply problems in New Hampshire and hopefully bring relief to New Hampshire's families and businesses by bringing the price of fuel down. Vote 10-3.

Rep. Soltani spoke against.

Reps. Tufts and George Brown spoke in favor.

Rep. George Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 219 NAYS 95

#### YEAS 219

#### BELKNAP

Boriso, Thomas  
Turner, Robert

Lawton, David  
Wendelboe, Francine

Millham, Alida  
Wood, Jane

Thomas, John

#### CARROLL

Babson, David Jr  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

#### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Richardson, Barbara  
Russell, Ronald

Burnham, Daniel  
Lynott, Margaret  
Riley, William  
Zerba, Roger

Doucette, Richard  
Manning, Joseph  
Roberts, William

Hunt, John  
Mitchell, McKim  
Royce, H Charles

**COOS**

Gallus, John  
Landers, Dana  
Tholl, John Jr

Glines, Sara  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Phinney, William

Alger, John  
Guest, Robert  
Picconi, Al

Copenhaver, Marion  
Hinman, Harry  
Scanlan, David

Dudley, Terri  
Nordgren, Sharon  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Burkush, James  
Daigle, Robert  
Drabinowicz, A Theresa  
Emerton, Lawrence  
Foster, Linda  
Goley, Jeffrey  
Jean, Claudette  
Leonard, Peter  
McDonald, James Sr  
Mercer, Robert  
O'Hearn, Jane  
Reidy, Frank  
Tate, Joan

Alukonis, David  
Bergin, Peter  
Calawa, Leon Jr  
Dalianis, Griffin  
Durham, Susan  
Fenton, James  
Gagnon, Eugene  
Gorman, Mary  
Konys, Christine  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Milligan, Robert  
Pappas, Marc  
Sarette, John  
Thulander, O Alan

Arnold, Thomas Jr  
Brundige, Robert  
Cote, David  
Desmarais, Vivian  
Dwyer, Paul Sr  
Fields, Dennis  
Garrish, Linda  
Haetenschwiller, Alphonse  
L'Heureux, Robert  
Lynde, Harold  
McGough, Tim  
Mosher, William  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Arthur, Rose  
Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Dyer, Merton  
Fletcher, Richard  
Ginsburg, Ruth  
Herman, Keith  
Lasky, Bette  
McCarthy, William  
Mendenhall, Leslie  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Simon, Anthony  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Feuerstein, Martin  
Hess, David  
Marshall, Kenneth  
Rosenfield, Jay  
Wallin, Jean

Brewster, Richard  
French, Barbara  
Jacobson, Alf  
Moore, Carol  
Seldin, Gloria  
Whalley, Michael

Daneault, Gabriel  
Gile, Mary  
Langer, Ray  
Potter, Frances  
St Cyr, Gerard  
Whittemore, James

Davis, Francis  
Hager, Elizabeth  
Leber, William  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Griffin, Mary  
Kane, Cecelia  
Langley, Jane  
Norelli, Terie  
Packard, Sherman  
Rubin, George  
Shultis, Elizabeth  
Tufts, J. Arthur  
Zolla, William

Arndt, Janet  
Bridle, Russell  
Dearborn, Bruce  
Flanagan, Natalie  
Hamel, Albert  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Pantelakos, Laura  
Sabella, Norma  
Splaine, James  
Varrell, Thomas

Belanger, Ronald  
Case, Margaret  
DiFruscia, Anthony  
Flanders, David  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Mikowski, Walter  
Noyes, Richard  
Pitts, Jacqueline  
Schanda, Frank  
Stone, Joseph  
Weare, Everett

Bishop, Franklin  
Clark, Martha  
Dowling, Patricia  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Morse, Charles  
O'Neil, Michael  
Reardon, Neil  
Shelton, Richard  
Stritch, D Donald  
Welch, David

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Lent, Donald  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Musler, George  
Spang, Judith  
Vachon, Dennis

Brown, George  
Domingo, Baldwin  
Johnson, Nancy  
Rogers, Rose Marie  
Spear, Barbara  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Knowles, William  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet



**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

**NAYS 95****BELKNAP**

Boyce, Robert	Czech, Stanley	Holbrook, Robert	Johnson, James
Pilliod, James			

**CARROLL**

Kenney, Joseph	Sullivan, P Judith	Torressen, Gary	
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**CHESHIRE**

DePecol, Benjamin	Lynch, Margaret	Meader, David	Robertson, Timothy
Rose, William	Smith, Edwin		

**COOS**

Woodward, David

**GRAFTON**

Amy, Susan	Cobb, John	Gilman, G Michael	Hall, David
Johnson, Gary	Marshall, Gene	Solow, Martha	

**HILLSBOROUGH**

Andrews, Frederick	Beaupre, Roland	Belvin, William	Bruno, Pierre
Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Craig, James
Daniels, Gary	Ford, Nancy	Goulet, Maurice	Hansen, Herbert
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Keye, Harvey
Kurk, Neal	LaRose, Richard	Leishman, Peter	MacGillivray, Jeffrey
Martin, Mary Ellen	McCarty, Winston	Moran, Edward	Murphy, Robert
O'Connell, Timothy	Rowe, Robert	Turgeon, Roland	Vaillancourt, Steve
Wall, Nancy			

**MERRIMACK**

Anderson, Eric	Chase, George	Kennedy, Richard	Larrabee, David Sr
Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard	Nichols, Avis
Poulin, Dave	Soltani, Tony		

**ROCKINGHAM**

Christie, Andrew Jr	Clark, Vivian	Cox, Russell	Fesh, Robert
Francoeur, Sheila	Gibbons, Paul	Grant, Kenneth	Henderson, Warren
Hutchinson, Karen	Kelley, William	Kobel, Rudolph	Langone, John
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Moore, Benjamin
Nowe, Mary Lou	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Ruffner, Walter	Sapareto, Frank	Stickney, Nancy	Vaughn, Charles
Weatherspoon, Jackie	Weyler, Kenneth	Whittier, John	

**STRAFFORD**

Cossette, Larry	Gilmore, Gary	Kaen, Naida	Keans, Sandra
Pelletier, Arthur	Pelletier, Marsha	Woods, Phyllis	

**SULLIVAN**

None

and the report was adopted.

Ordered to third reading.

Rep. Murphy voted Nay and intended to vote Yea.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 24, 2000 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 1134**, establishing a committee to study mental health care treatment under managed care plans.

**HB 1318**, establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

**HB 1374**, extending the reporting date for the sex offender issues study committee.

**HB 1283**, establishing a commission on the education of the deaf and hard of hearing in New Hampshire.

**HB 1362-L**, relative to the reconsideration of cost apportionment within a cooperative school district.

**HB 1114-FN**, relative to creditable service in the retirement system for teachers in a job-sharing position.

**HB 1583**, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics.

**HB 1592**, relative to the display of the United States flag.

**HB 1110**, establishing a committee to study landlord-tenant issues.

**HB 1168**, establishing a committee to study the merits of limiting the use of social security numbers as identifiers.

**HB 1523**, relative to landlord-tenant obligations.

**HB 1126**, relative to repealing the prohibition on rewards for procuring employment.

**HB 1124-L**, relative to local building codes.

**HB 1413**, relative to the rights of ownership of cemetery plots or burial spaces.

**HB 1143-FN**, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway."

**HB 1322**, relative to the regulation of certain outdoor advertising devices.

**HB 1179**, relative to final orders of the public utilities commission.

**HB 1462**, extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources.

**HCR 20**, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting.

**HCR 24**, relative to integration of people with disabilities.

**HB 1268-FN**, relative to certain vehicle registrations.

**HB 1613**, exempting police officers on bicycles from certain motor vehicle laws and rules.

**HB 1579-FN**, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

**HB 1464**, relative to the licensing process for new health care facility construction.

**HB 1607**, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services.

**HB 1454**, relative to deputy conservation officers in the fish and game department.

**HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss.

**HCR 32**, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve.

## UNANIMOUS CONSENT

Rep. Thomas moved that the remarks made by Rep. Jacobson be printed in the Journal.  
Adopted.

Rep. Jacobson: Thank you, Madam Speaker. This Saturday marks the 55<sup>th</sup> Anniversary of the Battle of Iwo Jima. Last summer, I attended the 50<sup>th</sup> reunion of the survivors of Iwo Jima. They are becoming a smaller and smaller group. They all have gray hair; many of them have bald heads and some of them are paunchy. However, their spirit is strong. What they did was to honor and to give affection for those who lost their lives on Iwo Jima 55 years ago. Admiral Nimitz said at the close of the battle of Iwo Jima, "Uncommon valor was common virtue." At the 5<sup>th</sup> division cemetery, the chaplain said, "These Marines have left us but they live within us." They live within me. I'm compelled by affection for them and the honor due them to remember them in this way. They gave their lives and the smallest thing I can do is to come up here and to give those brave Marines their honor and their due for they helped preserve the liberty and freedom that we all enjoy. I was among the lucky ones because I spent 35 days there and came away still without a scratch. I must confess that my commanding officer, the late General Antonelli, said to me, "Jacobson, the only thing you did on this island was get fat." I gained five pounds eating C-rations. I don't know how many more times I'm going to do this. I don't know whether I will run again, yet. Furthermore, I've been targeted. But, it has the opposite effect on me because it stimulates my gung ho Marine spirit to get in there and fight. Thank you.

Rep. Loren Jean moved that the remarks made by Speaker Sytek be printed in the Journal.

Adopted.

Speaker Sytek: I want to give my thanks to Rep. Jacobson, as well, for reminding us every year that we are privileged to serve with people like you and other members of this House who are members of the greatest generation. We serve shoulder-to-shoulder with genuine heroes and we are proud to serve with you.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports, only.

Adopted.

The House recessed at 3:35 p.m.

### RECESS

(Rep. Christie in the Chair)

### ENROLLED BILL AMENDMENT

**HB 251**, relative to official ballot procedures.

#### Amendment (3455-EBA)

Amend RSA 40:13, VII as inserted by section 5 of the bill by replacing line 8 with the following:

RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30 through 32; and votes on zoning

Amend RSA 40:14, XI(c) as inserted by section 7 of the bill by replacing line 4 with the following:

first and second Saturdays after the last Monday in \_\_\_\_\_, inclusive?"

Adopted.

### RECESS

(Rep. Loren Jean in the Chair)

### RESOLUTION

Rep. Francoeur offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution numbered 33, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HCR

#### First, second reading and referral

**HCR 33**, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river. (Burling, Sull 1; Avery, Ches 8; Nordgren, Graf. 10; Disnard, Dist 8: State-Federal Relations and Veterans Affairs)

## RECESS

**(Rep. David Cote in the Chair)**

Rep. Burnham offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1618, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1618**, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations. (Gilmore, Straf 11; D. White, Hills 25; Phinizy, Sull 7; Howard, Carr 10; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)

## RECESS

**(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.  
Adopted.



## HOUSE JOURNAL No. 8

Thursday, February 24, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Dear Creator of all that is, seen and unseen, we pause this morning for a brief moment to give thanks for New Hampshire, especially for her citizens, and for our many blessings. Each of us is unfinished, a work in progress. Please bless the work and the decisions that will be accomplished in this hallowed chamber today, so that when each vote taken finds its impact on the sidewalks of our communities and in the living rooms of our homes, it may enable each of us to live with more freedom, more thanksgiving, more awareness of our responsibilities, and with more compassion toward our neighbors. Amen.

Rep. Ronald Nowe led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Asplund, Copenhaver, Patricia Cote, Fletcher, Garrish, LaMott, Perkins, Searles and Whittemore, the day, illness.

Reps. Bergin, Burling, Curran, Perley Davis, DePecol, Domingo, Fenton, Fraser, Glines, Grassie, Haettenschwiller, Ham, Heon, Richard Herman, Holley, Hunt, L'Heureux, Lundborn, Manning, Martel, McKinley, Dean Ouellette, Picconi, Priestley, Rodd, Rodrigue, Salatiello, Sargent, Spang and Torr, the day, important business.

Rep. Mears, the day, death in the family.

Reps. Dawe and Goulet, the day, illness in the family.

### INTRODUCTION OF GUESTS

Karen Baetzel, guest of Rep. Shultis. Tom Veinote, guest of the Pembroke-Allentown Delegation. Mike Flynn and Matt Lathrop, guests of Rep. Daniels.

### SPECIAL GUESTS

The Women's Soccer Team from Franklin Pierce College in Rindge, guests of the House.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 97**, relative to the right to farm (Amendment printed SJ 2/10/00)

Rep. Musler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Babson, Kenneth Marshall, Patten and Phinizy.

#### NONCONCURS WITH AMENDMENT

#### REQUESTS COMMITTEE OF CONFERENCE

**SB 135-FN**, relative to water supply land protection grants.

The President appointed Sens. Russman, Johnson and Pignatelli.

Rep. Royce moved that the House accede.

Adopted.

The Speaker appointed Reps. Royce, Whalley, Downing and Stone.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1234**, relative to a special commission allowing non-ordained ministers residing out of state to perform marriages in New Hampshire, removed by Rep. Marsha Pelletier.

**HB 1418-FN-L**, relative to mercury-containing products, removed by Rep. Musler.

**HB 1578-FN-A**, relative to the joint promotional program and making an appropriation therefor, removed by Rep. Avery.

**HCR 28**, requesting the New Hampshire supreme court to rule on whether part first, article 6 and part second, article 83 of the New Hampshire constitution are in conflict, removed by Rep. Bruno.

**HB 1173-L**, relative to the optional veterans' tax credit, removed by Rep. Twardus.

**HB 1355-FN-A**, authorizing funding for a hydrodynamic study of the Hampton/Seabrook harbor and estuarine system, removed by Rep. Edwin Smith.

**HB 1350**, relative to interbasin and interstate transfers of water, removed by Rep. Jane Wood. Consent Calendar adopted.

**HB 1181**, establishing a study committee to examine the costs of private adoption. **INEXPEDIENT TO LEGISLATE**

Rep. Andre A. Martel for Children and Family Law: This bill was well intended for the study to examine the costs of private adoption. After much discussion about the purpose of the bill the majority voted to ITL the bill because it would be almost impossible to comprehend the real costs of a private adoption. In addition, many of the costs of private adoption are covered under RSA 170-B:10-a, effective January 1, 1997. Vote 12-0.

**HB 1237**, relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar. **INEXPEDIENT TO LEGISLATE**

Rep. Edward P. Moran for Children and Family Law: Parental animosity, custody litigation and child support problems have damaging long-term impact on children of divorce. The court has developed, with considerable expert input, child impact seminars that educate parents, using comprehensive, standardized information, on the effects of divorce on children, child support and custody suits. Counseling sessions, while probably advisable and constructive, offer no guarantee of providing a parent the same extensive base for understanding the consequences of divorce to the children. The New Hampshire Psychological Association opposes this legislation as not being in the best interest of children. Vote 12-0.

**HB 1371**, relative to allocation and distribution of incentive funds for juvenile diversion and abuse and neglect prevention programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. Mary Stuart Gile for Children and Family Law: This bill establishes statutory criteria for the allocation and distribution of incentive funds used for developing child abuse and neglect prevention programs, court diversion, and other alternative disposition programs for juveniles. The bill addresses programs, procedures for publishing applications, and defines the selection committee membership. It further creates a process whereby incentive funds not allocated, and not encumbered, shall be reallocated using clearly defined procedures. Lastly, it provides a formula for distribution of funds and outlines requirements for recipients of funds to demonstrate quality assurance according to specific criteria. Vote 13-0.

### **Amendment (3387h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to encourage counties, cities, and towns to develop prevention and court diversion programs, and other programs for children and juveniles that provide alternatives to placement outside of the home. The general court hereby finds that the clearest purpose and most efficient administration of these programs shall be necessary to serve the best interest of the children and juveniles involved.

2 New Paragraph; Services for Children, Youth, and Families; Distribution Procedures for Incentive and Court Diversion Funds Amended. Amend RSA 170-G:4 by inserting after paragraph XVI the following new paragraph:

XVI-a.(a) Distribute funds, pursuant to RSA 170-G:4, XVI, to each county in the state for community-based prevention programs, diversion programs, and other programs for children and juveniles which provide alternatives to placements outside of the home. Such funds shall be allocated by the county selection committee established in each county.

(b) Each county selection committee shall be comprised as follows:

(1) Three county commissioners, or their designees.

(2) Three representatives of the department, appointed by the commissioner.

(3) One member of the house of representatives from the county, appointed by the chairperson of the county delegation, or designee.

(4) One human services professional who resides in the county who is not employed by the county or by the department, appointed by the county selection committee.

(c) The decision of each county selection committee regarding allocation of funds shall be made in consultation with the county commissioners. The county commissioners shall submit a report no later than December 31 of each year detailing the disposition of funds allocated under this paragraph. If the county commissioners make any changes in the allocation of funds distributed under this paragraph, they shall submit written notice to the department describing the change no later than 10 business days from the date of the change.

(d) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(1) Procedures for operations and reporting requirements for county commissioners and county selection committees which conform to the provisions of this paragraph.

(2) Criteria for selection of recipients of funds.

(3) Procedures and reporting requirements for recipients of funds which conform to the provisions of this paragraph.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes statutory criteria for the allocation and distribution of funds used for developing community-based prevention and diversion programs for children and juveniles.

Referred to Executive Departments and Administration.

**HB 1463**, making technical corrections related to the mental health system and guardianship hearings. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andre A. Martel for Children and Family Law: This bill assures that, in an involuntary commitment, the patient's attorney will receive a copy of the psychiatrist's report the day before the hearing rather than on the day of the hearing. It further allows for adolescents to be physically located in another building at the state hospital though both facilities shall be known as the Anna Philbrook Center. Should confidentiality be breached by any member of an interdisciplinary committee designated by the governor to review child fatalities or traumatic fatal injuries then said member shall be guilty of a violation. Vote 12-0.

### Amendment (3493h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Disclosure of Certain Information. Amend RSA 135-C:19-a by inserting after paragraph II the following new paragraph:

III. Notwithstanding RSA 329:26 and RSA 330:32, a community mental health program or state facility may disclose to an interdisciplinary committee designated by the governor to review child fatalities, information which is relevant to a case of suicide or traumatic fatal injury under review by such committee. Information to be disclosed pursuant to this paragraph shall be limited to the diagnosis and course of treatment of the child or of the person who caused the fatality. Information disclosed pursuant to this paragraph shall remain confidential and shall not be subject to discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. Any person who willfully rediscloses confidential information provided to a committee designated by the governor to review child fatalities shall be guilty of a violation.

2 Copies; Clarification. Amend RSA 135-C:41 to read as follows:

135-C:41 Recommendations; Copy to Person. No later than on the day ~~of~~ *before* the hearing, 2 copies of the report prepared pursuant to RSA 135-C:40 shall be made available to the person sought to be admitted and to his *or her* attorney.

3 Technical Change. Amend the introductory paragraph of RSA 135-C:64 to read as follows:

135-C:64 Philbrook Center; Purpose. The commissioner shall maintain as part of New Hampshire hospital ~~the institution~~ *services for children and adolescents in one or more facilities on the New Hampshire hospital campus which shall be* known as the Anna Philbrook center. ~~for~~



~~purposes which]~~ *All services for children and adolescents at New Hampshire hospital shall be appropriate for each child's developmental stage and shall address the educational, supervisory, and clinical needs of each child. The purposes of child and adolescent services shall include but not be limited to:*

4 Reference Addition. Amend RSA 329:26 to read as follows:

329:26 Confidential Communications. The confidential relations and communications between a physician or surgeon licensed under provisions of this chapter and the patient of such physician or surgeon are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a physician or surgeon that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising physician or surgeon. This section shall not apply to investigations and hearings conducted by the board of medicine under RSA 329, any other statutorily created health occupational licensing or certifying board conducting licensing, certifying, or disciplinary proceedings or hearings conducted pursuant to RSA 135-C:27-54 *or RSA 464-A*. This section shall also not apply to the release of blood samples and the results of laboratory tests for blood alcohol content taken from a person who is under investigation for driving a motor vehicle while such person was under the influence of intoxicating liquors or controlled drugs. The use and disclosure of such information shall be limited to the official criminal proceedings.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill makes certain technical corrections, including allowing disclosure of certain information to certain committees investigating child fatalities.

Referred to Finance.

**HB 1562-FN**, establishing criminal penalties for violations of orders of protection under the child protection act. **OUGHT TO PASS WITH AMENDMENT**

Rep. Barbara H. Richardson for Children and Family Law: This bill deals with persons unable to control abusive behavior despite the issuance of orders of protection. When positive efforts to provide safe, supportive environments for children and families fail, those who violate orders of protection must be held accountable. Vote 12-0.

#### Amendment (3509h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Violations of Protective Order. Amend RSA 169-C by inserting after section 21 the following new section:

169-C:21 a Violation of Protective Order; Penalty.

I.(a) When a person subject to a protective order under RSA 169-C:16, I(d)(1) or RSA 169-C:19, II(a)(1) violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.



IV. Any person convicted under paragraph III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses under this chapter may be charged with an enhanced penalty for each subsequent offense as follows:

(a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;

(b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;

(c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;

(d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;

(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.

2 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill makes violations of protective orders where a stay away order has been issued under the child protection act class A misdemeanors, and provides sentencing provisions for subsequent related offenses.

Referred to Criminal Justice and Public Safety.

**HB 1565-FN**, relative to defining certain forms of psychological injury in the child protection act. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: The issue of psychological injury is of great concern to the committee. The goal of the bill is to refine the definition of psychological injury. The current definition in statute is too vague and open to misinterpretation. However, the committee felt the bill fell short of its goal. The sponsors agreed to take it back and rework it. Vote 12-0.

**HB 1595-FN**, establishing a committee to study issues relating to foster parenting and establishing a transitional housing pilot program for certain children living in foster care. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: The bill proposes a statutory committee to study foster parenting and establish a transitional housing program. The policy committee felt that these matters are within the scope of the existing statutory committee examining the entire field of foster care. A transitional housing pilot program is about to start utilizing grant funds obtained by DCYF. Vote 15-0.

**HB 1184**, relative to minimum participation requirements for small employers. **REFER FOR INTERIM STUDY**

Rep. Sheila T. Francoeur for Commerce: The committee felt that the subject matter of this bill concerning minimum participation requirements for small employers would be addressed in HB 1183, relative to consumer access to providers for the term of the consumer's health benefit plan. Vote 13-0.

**HB 1545-FN-A**, relative to the sale of furniture and bedding. **REFER FOR INTERIM STUDY**

Rep. Stephen G. Avery for Commerce: The bill, as originally written, would only apply to furniture and bedding manufactured in the State of New Hampshire. The State Fire Marshal's Office is working on a voluntary program which would include 1) a labeling system that meets an appropriate "smoldering ignition" standard, 2) brochures promoting fire safe furniture, 3) training for retailers and sales personnel, 4) public service announcements in conjunction with the NH Fire Chiefs Association and the NH State Fire Marshal's Office, and 5) a joint effort between the state's furniture and bedding retailers and the state's fire protection community to put pressure on out-of-state manufacturers to adopt a comprehensive reliable upholstered furniture fire safety standard at the national level. Vote 13-0.

**HB 1140**, establishing a committee to study the department of corrections. **REFER FOR INTERIM STUDY**

Rep. William V. Knowles for Criminal Justice and Public Safety: The committee would like to study the concerns presented in this legislation since it is our responsibility to oversee the Department of Corrections. After our study by the full committee, we will then be in a position to make recommendations about any specific area of concern we may have a study committee with a more narrow focus than the present bill defines. Vote 17-0.

**HB 1249**, providing that critical incident reviews conducted by the department of corrections are privileged and protected from discovery in any proceeding. **INEXPEDIENT TO LEGISLATE**

Rep. Everett A. Weare for Criminal Justice and Public Safety: The right to know law is the basic tool and key in the fair and open conduct of the government's operations and business. To exempt any part of reviews or investigations from discovery leads to the public's distrust and lack of confidence in fair and open governmental operations. There is nothing that prohibits any agency from conducting investigations of serious incidents free from the interference of the general public but the results of such investigations should be made public upon completion. This bill would grant to the commissioner of corrections the privilege to release only the facts and information that he or she desired to release in critical incident investigations. All the rest of the facts and information would be exempt from discovery. Vote 14-1.

**HB 1296**, establishing a committee to study the education and training curriculum developed by the police standards and training council. **INEXPEDIENT TO LEGISLATE**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The prime sponsor raised several issues that she felt should be included in the police academy training. During testimony, it was discovered that all of the issues were already included in the current curriculum. The committee felt that since all of the sponsor's concerns were already being addressed that any refresher or additional training be covered during the mandatory yearly training required by police standards and training. For this reason the bill was voted inexpedient to legislate. Vote 16-1.

**HB 1382-FN**, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill, as amended, simply includes the throwing of bodily fluids at corrections officers or other personnel in RSA 642:9. Under RSA 642:9, an assault by an inmate that would constitute simple assault is already a class B felony. The throwing of blood, seminal fluid, urine or feces would now be specifically addressed in law. There is the possibility of infectious disease such as HIV, hepatitis or other disease being contracted by the individual struck by these fluids or material. There were several examples of incidents (4 in the past year) when corrections officers were struck with this material in areas of the anatomy that not only were offensive but potentially put the lives and health of the officers at risk. Vote 16-0.

#### **Amendment (3482h)**

Amend the bill by replacing all after the enacting clause with the following:

I Assaults by Prisoners. Amend RSA 642:9, II-IV to read as follows:

II. An inmate is guilty of aggravated assault on a corrections staff member when, with intent to harass, threaten, or alarm a person whom the inmate knows or reasonably should know to be an employee of such facility, or an employee of the department of corrections, or an employee of any law enforcement agency, the inmate causes or attempts to cause such employee to come in contact with blood, seminal fluid, urine, or feces by throwing or expelling such fluid or material.

[H:] **III. For the purposes of this section:**

(a) "Official custody" means custody in a penal institution or other confinement by an order of a court.

(b) "Inmate" means an offender, as defined in RSA 21-H:2, VII, a person in pretrial confinement, or any person incarcerated in a local detention facility.

(c) "Facility" means a correctional facility or local correctional facility hospital, operated by the department of corrections.

[H:] **IV.** The offense is a class B felony if it is an aggravated assault as defined in paragraph II, or if the offense committed is simple assault as defined under RSA 631:2-a unless committed in a fight entered into by mutual consent, in which case it is a misdemeanor. The offense is a class A felony if the offense committed is first degree or second degree assault as defined under RSA 631:1 or RSA 631:2.

[H-V] V. If a person is convicted of the offense of assault under this section, the term of imprisonment authorized by RSA 651:2, II or RSA 651:6 shall be consecutive to and not concurrent with any other sentence to be served.

2 Effective Date. This act shall take effect January 1, 2001.

**HB 1429**, relative to requirements for personnel employed in state corrections facilities which are operated by private entities. **INEXPEDIENT TO LEGISLATE**

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The committee felt that it is not wise to impose such restrictions on the theoretical premise that some correctional facility might, at sometime in the future, be operated by a private entity. If the privatization should come up for serious discussion that would be the time to discuss the status of the prospective employees for that institution. Vote 12-3.

**HB 1480**, making consent a defense under the sexual assault laws. **INEXPEDIENT TO LEGISLATE**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill seeks to clarify that consent is a defense under the sexual assault laws. According to the sponsor, current legislation is confusing. Many people from various agencies testified that the current statute is clear. In addition, it was noted that consent is always a valid defense. The committee felt that the current statute relating to consent reasonably and judiciously addresses sexual assault laws. Vote 16-1.

**HB 1493-FN**, increasing minimum prison terms for felons. **INEXPEDIENT TO LEGISLATE**

Rep. William V. Knowles for Criminal Justice and Public Safety: Currently a person convicted of a felony, an element of which is the possession, use or attempted use of a firearm, may be sentenced for a maximum term of 20 years imprisonment in lieu of any other sentence prescribed for the crime. This legislation would increase the minimum mandatory sentence from 3 years to 5 years for a first offense and from 6 years to 10 years imprisonment if such person has been previously convicted of any state or federal offense with a penalty in excess of one year and an element of which was the possession, use or attempted use of a firearm. The legislation also imposes a minimum mandatory sentence of 20 years in prison if the firearm is discharged during the commission of a felony and if death or serious bodily injury occurs, the sentence would be 25 years to life imprisonment. Mandatory sentencing takes away the discretion of the court, which on many occasions is sterner than the mandatory sentence. Vote 13-3.

**HB 1494-FN**, establishing a penalty for attempt to purchase a firearm illegally. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill makes it a class A misdemeanor for a first offense and a class B felony for a subsequent offense of attempt to purchase a firearm when the person knows the purchase is illegal because he or she is subject to a protective order. Vote 14-0.

#### **Amendment (3394h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing penalties for attempts to purchase firearms illegally.

Amend the bill by replacing section 1 with the following:

1 New Section; Penalties for Attempts to Purchase Firearms Illegally. Amend RSA 159-D by inserting after section 2 the following new section:

159-D:3 Penalties for Attempts to Purchase Firearms Illegally. A person who completes and signs an application for purchase of a firearm and who knows that such purchase is illegal because he or she is subject to a protective order shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

#### **AMENDED ANALYSIS**

This bill makes it a class A misdemeanor for a first offense and a class B felony for a subsequent offense for a person to attempt to purchase a firearm when such person knows the purchase is illegal because he or she is subject to a protective order.

**HB 1503**, establishing a study committee to review the state's current parole and probation procedures. **REFER FOR INTERIM STUDY**



Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The committee recognizes that it is worthwhile to look at some aspects of the parole and probation procedures. Rather than recommend ought to pass, however, the committee prefers to keep the bill, look further into the issues as a whole, and sharpen the focus before creating a chaptered study committee. Vote 16-1.

**HB 1529-FN**, establishing criminal penalties for aggressive driving (road rage). **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill creates a new section in our statutes titled "Aggressive Driving – Road Rage". Our committee felt this was not necessary because everything addressed in the bill is already a violation of our laws or in the case of the training and education programs referred to in Paragraph II, the court already has the power to require the attendance at those programs. So in effect, our "Road Rage" statute is already on the books as reckless operation. To strengthen this statute, we increased the maximum fine from \$500 to \$1,000 in HB 713, which the House already passed. Vote 13-0.

**HB 1531**, relative to the preemption of local regulations of firearms. **OUGHT TO PASS**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This proposal would prohibit political subdivisions from creating a patchwork quilt of local restrictions on firearms. State statutes on firearms are not all encompassing and the committee was of the opinion that only the general court should oversee the regulation of firearms in New Hampshire. Vote 13-0.

**HB 1554-FN**, prohibiting knowingly remaining in a place where alcoholic beverages or controlled drugs are unlawfully possessed. **INEXPEDIENT TO LEGISLATE**

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill would make it a crime punishable as a misdemeanor for a second offense to knowingly remain in a place where liquor or controlled drugs were illegally possessed. Legislation several years ago removed the prohibition against being knowingly present when a controlled drug was present. This bill would not only reinstate that penalty but extend it to alcohol as well. The committee felt that enforcement, especially concerning alcohol, would be difficult and result in confusion and problems with prosecution. Vote 16-0.

**HB 1188-FN-L**, relative to alternative kindergarten programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. John R. Alger for Education: This bill as amended, simply adds another means for school districts to provide kindergarten through contracting with a privately owned kindergarten which is required to meet the same standards and requirements as a publicly owned kindergarten. Also, any district offering kindergarten is required to offer it to all eligible children in that district. This alternative will help some districts offer kindergarten. Vote 12-0.

**Amendment (3432h)**

Amend RSA 198:48-a, I-III as inserted by section I of the bill by replacing it with the following:

I. A school district that currently does not operate a kindergarten program within an approved public school maintained by the local district or currently does not contract with another established public kindergarten program for the education of its resident kindergarten pupils, may submit to the commissioner of the department of education a local plan for an alternative kindergarten program based upon contractual arrangements with one or more nonpublic, non-sectarian schools or facilities. An alternative kindergarten program shall be:

- (a) Offered immediately preceding the other elementary grades.
- (b) Designed primarily for 5-year-olds.
- (c) Available at district expense to all kindergarten-aged children who reside in the district.

II. An alternative kindergarten program shall satisfy the same criteria established for public kindergarten programs in the New Hampshire standards for school approval.

III. A local plan for an alternative kindergarten program shall be approved by the school board and the legislative body of the district. A local plan for an alternative kindergarten program shall be submitted to the commissioner of the department of education at times established by the commissioner.

Amend RSA 198:48-a, VII and VIII as inserted by section I of the bill by replacing them with the following:



VII. In the first year of its operation, an adequate education grant of \$750 per pupil shall be distributed to school districts, from the education trust fund created in RSA 198:39, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established pursuant to RSA 198:48-a.

VIII. Notwithstanding the provisions of this section, alternative kindergarten programs which were approved and in effect prior to April 29, 1999 may continue to operate and shall continue to receive per pupil adequate education grant amounts in accordance with RSA 198:40 through RSA 198:42.

### AMENDED ANALYSIS

This bill inserts provisions regarding the establishment of an alternative kindergarten program within a school district, and provides that school districts operating an approved alternative kindergarten program shall be eligible to receive adequate education grant distributions. This bill also provides that alternative kindergarten programs which were approved and in effect prior to April 29, 1999 may continue to operate and receive per pupil adequate education grant amounts pursuant to RSA 198:40 through 198:42.

Referred to Finance.

#### **HB 1303**, establishing the freedom of education act. INEXPEDIENT TO LEGISLATE

Rep. Perley E. Davis for Education: This bill provides that no parent or other person shall be compelled to support any educational function of a religious nature, whether public or private. It also states that the general court found that in 1961, the United States Supreme Court proclaimed (in a footnote) that secular humanism is found to be among the religions in this country, and that the principles of secular humanism are promulgated in the curriculum and policy of the public schools of this state. The committee disagrees with the intent and direction of this legislation. Vote 16-0.

#### **HB 1258-FN**, relative to invasive plant, insect, and fungal species. OUGHT TO PASS WITH AMENDMENT

Rep. Leighton C. Pratt for Environment and Agriculture: The purpose of this bill is to recognize the adverse environmental and economic effects of invasive plants, insects and fungal species upon the state, and to promote research and educational activities dealing with invasive species. Vote 16-0.

### Amendment (3231h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

#### **HB 1344-FN**, expanding the used oil program. OUGHT TO PASS

Rep. Peter R. Leishman for Environment and Agriculture: The committee feels this is an excellent bill that will permit private facilities to receive grants under the existing used oil collection program. Presently, political subdivisions and other government entities are eligible to receive grants not to exceed \$2,500 annually to establish or improve used oil collection facilities. Combined with the on-going educational effort, these additional used oil collection facilities will produce significant environmental and health benefits for years to come. Vote 17-0.

Referred to Finance.

#### **HB 1416-FN**, establishing a brownfields cleanup revolving loan fund. OUGHT TO PASS

Rep. David M. Scanlan for Environment and Agriculture: This bill gives the state of New Hampshire authority to participate in the federally funded brownfields cleanup revolving loan fund. The federal funds will be administered by the Commissioner of the Department of Environmental Services. Vote 17-0.

#### **HB 1423-L**, relative to regulation of junk yards. REFER FOR INTERIM STUDY

Rep. John S. Cobb for Environment and Agriculture: Due to the difficulty with the definition of "junk yard" in relationship to other RSAs, the committee recommends refer for interim study. Vote 14-0.

#### **HB 1115-FN**, relative to purchasing credit for prior service for certain employees in the retirement system. INEXPEDIENT TO LEGISLATE

Rep. Ray F. Langer for Executive Departments and Administration: The practice has been that a member may or may not buy back prior service within 5 years. A letter was sent out to members

approaching the five years and the retirement system received adverse comments. It was felt that if it was the consensus that 5 years was not desired, it was not practical to remove this limitation and make any payment be completed in full whenever a retiree desired to do so. If the 5-year limitation is removed, it makes the retirement system liable for picking up this retirement at any time. Vote 16-0.

**HB 1380-FN**, relative to compensation for time lost by state law enforcement officers injured in the line of duty. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: This bill provided a means for fish and game personnel to recover lost time if injured by a hostile act. It also revised the conditions currently referencing state police officers in the same situation. It was argued that the same coverage be extended to all state employees and this extension created major problems that could not be solved within the available time frame. The vote was to place the bill in interim study. Vote 13-1.

**HB 1437-FN**, relative to ayurvedic health care practice. REFER FOR INTERIM STUDY

Rep. Maurice E. Goulet for Executive Departments and Administration: Testimony during the public hearing revealed that no state licenses ayurvedic health care practitioners. ED&A has handled numerous bills relating to alternative or complimentary health practices. There are other approaches rather than to establish a specific board for individual practice and the committee would like the time to review them. Vote 15-0.

**HB 1501**, relative to public notice of all administrative rulemaking meetings. INEXPEDIENT TO LEGISLATE

Rep. William R. Zolla for Executive Departments and Administration: The committee felt that the agenda of items to be addressed in rulemaking meetings were already being noticed on the rulemaking register as well as on the state website (Webster) and this bill would only be a duplication of effort. Vote 14-0.

**HB 1549-FN**, relative to cost of living adjustments for certain retired members of the New Hampshire retirement system. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: The bill, as written, provides double COLAS for retirees or beneficiaries who earn a benefit less than \$8,400. There were so many questions that were unanswered that the committee agrees that it should be studied further. Vote 12-2.

**HB 1550-FN**, establishing a bureau of tax law in the department of justice and transferring department of revenue administration hearing officers to the bureau. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee believes that the current tax law appeals process within the Department of Revenue Administration is functioning in a fair and efficient manner. This legislation would set a precedent of moving hearings from departments and agencies by transferring the function to the Department of Justice. The committee does not believe this to be in the best interest of the state. Furthermore, the cost associated with transferring this function would require a \$250,000 increase in the operating budget for FY 2001 and 2002. Vote 15-0.

**HB 1558-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. REFER FOR INTERIM STUDY

Rep. Merton S. Dyer for Executive Departments and Administration: This bill is similar to SB 415-FN, now under consideration in the senate. The senate bill is more comprehensive than this bill but interim study will allow the ED&A committee to keep this as an open subject within the committee. Vote 17-0.

**HB 1559-FN**, establishing the division of ports and harbors within the department of transportation and transferring all functions, powers, and duties of the New Hampshire state port authority. OUGHT TO PASS WITH AMENDMENT

Rep. Michael O'Neil for Executive Departments and Administration: This bill, as amended, sets up a study committee to look at all facets of the New Hampshire port authority. The purpose of the study is to examine the operations and organizational structure of the authority. In addition, the committee will review the duties; functions and responsibilities of the authority to ensure the needs of the entire state economy are being addressed by the state port authority. Vote 14-0.

**Amendment (3466h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the organization and functions of the New Hampshire state port authority.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the New Hampshire state port authority.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. The committee shall solicit advice and input from individuals or organizations with expertise deemed relevant in assisting the committee in the performance of its duties including, but not limited to, the commissioners of the departments of transportation and resources and economic development, and the director of the Pease development authority.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The duties of the committee shall be as follows:

I. To study the operations of the existing New Hampshire state port authority.

II. To review the best possible organizational structure for the port authority for serving the needs of the entire state.

III. To study the functions, duties, and responsibilities of the New Hampshire state port authority and any other issue which the committee deems relevant to its purpose and objectives.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall file an interim report, which shall include its findings to date and an outline of proposed action or legislation to the speaker of the house of representatives, the senate president, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2000. The committee shall file its final report, which shall include its final findings and recommendations for proposed legislation, to the speaker of the house of representatives, the senate president, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2001.

6 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill establishes a committee to study the organization and functions of the New Hampshire state port authority.

**HB 1584-FN**, relative to the licensing and regulation of child day care agencies. **INEXPEDIENT TO LEGISLATE**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill would move the responsibility for supervising child day care licensing and monitoring from Health and Human Services to the Department of Education. The committee believes that the Department of Health and Human Services is providing the appropriate mix of incentive and enforcement. No information was presented which would suggest that the public would be better served by moving the responsibility to the Department of Education. Vote 16-0.

**HB 1128**, allowing enhanced 911 funds to be used for certain uniform costs. **INEXPEDIENT TO LEGISLATE**

Rep. Margaret A. Lynch for Finance: One cent (\$.01) of the PUC surcharge of forty-two cents (\$.42) per telephone line is dedicated to the support of the 911 system. The legislation establishing the 911 system specifically prohibited monies from this surcharge to be used for "...the purchase of uniforms or such similar wear or fashions." This bill would eliminate that prohibition. While the immediate anticipated expense is negligible (\$25,000), there is a definite anticipation that this expense would continually increase. During the public hearing, the original discussion centered on



"T-shirts," but grew to anticipate the possible purchase of jackets, as well as outerwear. It is the position of the majority on Finance that it is inappropriate to assess a surcharge on the public for anything other than the actual operation of the 911 emergency response system, as originally established. Vote 22-1.

**HB 1178**, relative to using state funds for changing the name of a state agency or department. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph E. Stone for Finance: The intent of this bill was to avoid costs of name changes in state agencies during the present fiscal constraints. The committee determined that the legislature would have to agree to any name change, so the bill does not appear to be necessary. Vote 22-2.

**HB 1199**, establishing a study committee on funding for affordable housing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Steve Vaillancourt for Finance: There was little question as to the need for more affordable housing and the need to study the dimensions of the problem. The amendment does two things. It expands the composition of the committee, three House and three Senate members, by noting that knowledge and expertise of relevant state agencies, local public housing authorities and regional and community-based organizations should be sought. Only the House and Senate members will be voting members of the committee. Also the amendment eliminates the specific suggestion that the study committee consider a surcharge on the real estate transfer tax as a possible source of funding for affordable housing. Since this tax was doubled last year, Finance did not feel it should be singled out as a funding source. Nothing would prevent the study committee from looking at that or any other funding source. Findings and recommendations for proposed legislation from the study committee are due November 1, 2000. Vote 23-1.

#### **Amendment (3414h)**

Amend the bill by replacing section 3 with the following:

##### **3 Duties.**

I. The committee shall assess the dimensions of the affordable housing crisis, drawing on the knowledge and experience of relevant state agencies such as the office of state planning, the department of resources and economic development, the New Hampshire housing finance authority, the community development finance authority, and the department of health and human services; and the expertise of local public housing authorities and regional and community-based organizations involved in the provisions of affordable housing, as well as entities such as the continuum of care and the emergency shelter and homeless coordination commission.

II. The committee shall review obstacles and potential solutions that will expand and improve the supply of affordable housing.

**HB 1504**, relative to submission of biennial budget estimates by agencies. **OUGHT TO PASS**

Rep. Margaret A. Lynch for Finance: This bill repeals the definition of maintenance expenditure relating to the submission of budget estimates by agencies. This action will allow flexibility for the governor to present his or her priorities in the biennial budget process. Implementation of this legislation has no fiscal impact. Vote 22-1.

**HB 1155**, excepting for-profit blood suppliers from limitations on strict liability. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: The prime sponsor requested that the original bill be replaced with an amendment requiring the testing of blood for hepatitis C virus. Blood and its components are traded interstate and are routinely tested under federal guidelines. The committee saw no need to duplicate. Both the amendment and the original bill were found Inexpedient to Legislate. Vote 16-0.

**HB 1215**, establishing a committee to study school nurse certification. **INEXPEDIENT TO LEGISLATE**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The committee feels the subject of the bill is very important. However, it is believed that it would be difficult to have a study committee this year. The committee requests that the prime sponsor form an ad hoc committee to consider the subject and develop plans or legislation for next session. Vote 16-0.



**HB 1441-FN-A-L**, relative to establishing a pilot welfare-to-work program in rural communities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: There was an amendment offered that removed the fiscal impact and reduced the scope of the pilot project. This amendment was defeated by a 8-9 vote. Although it was defeated, the committee felt it is a worthwhile program that can be replicated by other communities. Health and Human Services indicated an interest in this approach. However, the committee recommends that the issue be addressed by net-working through the various agencies and organizations dealing with the hardcore unemployed without the formality of another study committee. Vote 16-0.

**HB 1445**, establishing a study committee to examine replacement of the current administrative office of the courts with an independent administrative office of the courts. **INEXPEDIENT TO LEGISLATE**

Rep. James W. Craig for Judiciary: This bill seeks to establish a committee to study the feasibility of replacing the current administrative office of the courts (AOC) with one that would be independent from the supreme court. The committee felt that the suggestion cannot be feasible because the N.H. Constitution requires that the supreme court "shall be the administrative head of all the courts" [Part II, Art 73-a]. The committee also felt that there was no practical way for such a body to be independent of the supreme court and, therefore, there is no need to study the issue. Vote 14-1.

**HB 1535-FN**, establishing an appellate division of the courts. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: The committee found that there is a clear need for expanded appellate review in New Hampshire. The system of discretionary review, in combination with the continued expansion of the appellate caseload, has seriously eroded access to appellate review for New Hampshire citizens and has undermined the supreme court's ability to develop law and to provide guidance to New Hampshire citizens, lawyers, and trial courts. This bill establishes a commission to study this need and directs the commission to report its findings and recommendations for long term solutions no later than November 1, 2000. Vote 13-0.

### **Amendment (3511h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

Amend the bill by replacing all after the enacting clause with the following:

#### **I Findings and Intent.**

I. Over the past 30 years, New Hampshire's appellate caseload has expanded steadily. In the early 1970's annual supreme court filings were in the range of 100 cases; by 1997, the caseload had reached a high of 900. Many factors have contributed to the expansion of the appellate caseload. They include the growth of the state's population from 750,000 to 1,200,000 people, an increase in the number of superior court justices and marital masters, an increase in the number of lawyers in New Hampshire, and an increase in the number of laws passed by the New Hampshire general court and by Congress.

II. Throughout this period of growth, the number of justices on the New Hampshire supreme court has remained at 5. The supreme court attempted to manage the caseload increase through rules, adopted in 1979, that eliminated universal access to full appellate review, including briefing and oral argument, and substituted a system under which full appellate review became a matter of judicial discretion. As the caseload continued to increase, this practice resulted in a steady decrease in the percentage of cases being accepted for full appellate review. While the acceptance rate of cases in 1980 was 73 percent, by 1998 the acceptance rate had declined to 36 percent.

III. The general court finds that there is a clear need for expanded appellate review in New Hampshire. The system of discretionary review, in combination with the continued expansion of the appellate caseload, has seriously eroded access to appellate review for New Hampshire citizens and has undermined the supreme court's ability to develop law and to provide guidance to New Hampshire citizens, lawyers, and trial courts.

IV. In 1999, the legislature created a study committee to consider certain matters concerning superior court justices, including the possibility of assigning them to hear appeals. The study com-

mittee recommended that a task force be created to study appellate review in New Hampshire. In 1999, the New Hampshire Bar Association, with assistance and funding provided by the New Hampshire Bar Foundation, completed a study of the New Hampshire appellate system. The New Hampshire Bar Association also recommended the creation of a task force to review potential solutions to the need for increased appellate review.

## 2 Commission on Appellate System Reform Created.

I. There is established a commission on appellate system reform to study, report on, and prepare legislation relative to solutions for the problems facing the New Hampshire appellate system. The commission shall consist of the following members:

(a) Three house members, appointed by the speaker of the house.

(b) Two senate members, appointed by the senate president.

(c) Three members representing the judicial branch appointed by the chief justice of the supreme court.

(d) Two members of the New Hampshire Bar Association, appointed by the association's president.

(e) The designee of the attorney general.

(f) Two members of the public, appointed by the governor.

(g) The designee of the New Hampshire appellate defender.

II. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission."

3 Duties of the Commission. It is the overall duty and obligation of the commission to study ways and means by which the desires expressed in section 1 shall be obtained. It is specifically the duty of the commission to make recommendations to all 3 branches of government to improve the appellate system on a short-term and long-term basis. The commission may request resources or funding; if it deems appropriate or necessary for the completion of its task.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson. The first meeting shall be called by the first-named designee of the speaker of the house. Seven members shall constitute a quorum.

## 5 Reports.

I. The commission shall report its findings and any proposed recommendations for legislation or rule enactment or modification which may alleviate or eliminate the delays in the appeals process and increase the number of appeals accepted and written decisions on a short-term or immediate basis no later than November 1, 2000.

II. The commission shall report its findings and any proposed recommendations for legislation or rule enactment for long-term permanent remedies to the problems described in section 1 no later than November 1, 2000.

III. These reports shall be filed with the speaker of the house of representatives, the senate president, the governor, the house clerk, the senate clerk and the state library.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a commission on appellate system reform.

**HB 1537-FN**, increasing the fees charged by sheriffs for service of legal process. **INEXPEDIENT TO LEGISLATE**

Rep. Peter F. Bergin for Judiciary: The committee did not hear any compelling testimony that the present fees were inadequate or that counties were operating at a deficit. However, the committee felt that increases may be justified in the future when compelling testimony is presented. In addition, no one could agree on what the fees should be increased to. The fees suggested in the bill were definitely excessive – even the sponsors agreed that those could be reduced. The committee was given no data to show that present fees were inadequate to cover the costs of the services listed in the bill. Vote 15-0.

**HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Pratt for Judiciary: This legislation will grant immunity to non-profit agencies which provide psychiatrists for the secure psychiatric unit of the Dept. of Corrections. Vote 13-0.

**Amendment (3506h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Defense and Indemnification of State Officers and Employees; Claims Arising from the Clinical Services Provided to the Department of Corrections. Amend RSA 99-D by inserting after section 8 the following new section:

99-D:9 Claims Arising from the Clinical Services Provided to the Department of Corrections.

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity and not in a wanton or reckless manner, arising out of clinical services of psychiatrists or other medical doctors provided in accordance with any contract limited to such services entered into by the department of corrections for its secure psychiatric unit.

II. This section shall apply only to claims or civil actions arising out of incidents occurring after the effective date of this section.

III. All claims arising under this section shall be reviewed by the legislative oversight committee established under RSA 541-B:23.

2 New Section; Proceedings in Special Cases; Claims Against the State; Claims Arising from the Clinical Services Provided to the Department of Corrections. Amend RSA 541-B by inserting after section 21 the following new section:

541-B:21-a Claims Arising from the Clinical Services Provided to the Department of Corrections.

I. Without otherwise limiting or defining the sovereign immunity of the state and its agencies, this chapter shall apply to all claims against any nonprofit entity, or any employee, trustee, or director of such nonprofit entity when acting in the scope of such person's elected or appointed capacity, providing clinical services of psychiatrists or other medical doctors in accordance with any contract limited to such services entered into by the department of corrections for its secure psychiatric unit.

II. The limitations on awards provided in RSA 541-B:14 shall not be increased by the proceeds from any insurance policy procured by a nonprofit entity, or any employee of such entity, included under RSA 541-B:21-a, I.

III. This section shall apply only to claims arising out of incidents occurring after the effective date of this section.

3 Proceedings in Special Cases; Claims Against the State; Oversight Committee; Secure Psychiatric Unit Added. Amend RSA 541-B:23 to read as follows:

541-B:23 Oversight Committee for Claims Arising From the Clinical Operation and Administration of the New Hampshire Hospital *and Clinical Services Provided to the Department of Corrections*.

I. There is hereby established a legislative oversight committee to review claims arising under RSA 541-B:21, ***RSA 541-B:21-a***, [and] RSA 99-D:8, IV, *and RSA 99-D:9, III*. The committee members shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, appointed by the senate president.

II. The first-named house member of the committee shall be chairperson.

III. The committee shall report its findings to the general court 6 months prior to the awarding of any contract described in RSA 541-B:21, I *or RSA 541-B:21-a, I*.

IV. The members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill adds clinical services of psychiatrists or other medical doctors provided in accordance with any contract limited to such services entered into by the department of corrections for the secure psychiatric unit to the laws governing defense and indemnification of state officers and employees and claims against the state.

**HB 1311**, relative to payment of employer contributions for unemployment compensation. **OUGHT TO PASS WITH AMENDMENT**



Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: The committee unanimously agreed that collection of \$1 is more costly than the money to be collected. This bill allows the Department of Employment Security to forgive balances of \$1 and for employers to be exempt from sending in tax of \$1 or less. Vote 12-0.

#### Amendment (3429h)

Amend RSA 282-A:69, IV as inserted by section 1 of the bill by replacing it with the following:

IV. A contribution, as defined in RSA 282-A:152, I shall not be considered due for any purpose under this chapter from an employer required to pay contributions under this chapter when the total amount due is less than one dollar.

**HB 1450-FN**, relative to the adoption of the fair pay act. **OUGHT TO PASS WITH AMENDMENT** Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This amended bill corrects the existing statute, which originally protected only women from gender bias. In the spirit of cooperation in the fight for equality, the committee amended the bill so that men are now offered the same protection against gender bias in the workplace. The amendment also creates a hearing process in the Department of Labor for resolution of claims brought under this statute. Vote 12-0.

#### Amendment (3222h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to hearings and appeals of equal pay claims.

Amend the bill by replacing all after the enacting clause with the following:

1 Discrimination in the Workplace; Equal Pay. Amend RSA 275:37 to read as follows:

275:37 Equal Pay. No employer shall discriminate in the payment of wages as between the sexes, or shall pay any [~~female~~] *employee* in his *or her* employ salary or wage rates less than the rates paid to [~~male~~] *employees of the opposite sex* for equal work or work on the same operations. However, nothing in this subdivision shall prohibit a variation in rates of pay based upon a *marked* difference in seniority, experience, training, skill, ability, or difference in duties and services performed, either regularly or occasionally, or difference in the shift or time of the day worked, or difference in availability for other operation, or other reasonable differentiation except difference in sex. A variation in rates of pay as between the sexes is not prohibited where such variation is provided by contract between the employer and the recognized bargaining agent of the employees or, in case there is no such bargaining agent, where such variation is provided by written agreement or contract between the employer and not less than 5 of [~~his~~] *the* employees.

2 New Section; Equal Pay; Procedure for Hearings and Appeals. Amend RSA 275 by inserting after section 41 the following new section:

275:41-a Procedures for Hearings and Appeals. In a claim under RSA 275:37, the commissioner shall notify the employer by serving a copy of such claim and an order to file with the commissioner within 10 days from the receipt of such notice any objections to such claim specifying the grounds therefor. Any claim under this section shall be commenced within one year of the accrual thereof and not afterwards. Service may be by certified mail with return receipt. If objection is not made within 10 days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross examine opposing witnesses. Any party, at the party's own expense may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall be issued. Any party aggrieved by the decision may appeal to the superior court not later than 20 days thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate, or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings. In the absence of a reasonable appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as judgement of said court, and shall be a lien upon the property of



the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this subdivision for purposes of RSA 275:37 that a final order be immediately satisfied by the employer.

3 Effective Date. This act shall take effect January 1, 2001.

#### AMENDED ANALYSIS

This bill establishes a procedure for hearings and appeals of decisions by the labor department concerning equal pay claims.

**HB 1512-FN**, allowing persons leaving employment under the federal family and medical leave act to be eligible for unemployment benefits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill, as amended, replaces the original bill, which sought to take money from the Unemployment Compensation Trust Fund to fund a Family and Medical leave Program for New Hampshire workers. The amendment, supported by the sponsor, establishes a legislative committee to study the feasibility of implementing a New Hampshire Family and Medical Leave Program as well as attempting to identify any potential funding sources to support the program. A report of the study is due by December 1, 2000. Vote 12-0.

#### Amendment (3391h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

2 Membership and Compensation.

1. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall hold meetings at such times and places as it deems necessary. The committee shall study the feasibility of implementing a paid family and medical leave insurance program for New Hampshire workers, and shall also identify potential funding sources to support it. The committee shall seek input from, but shall not be limited to:

I. State agencies.

II. Employers.

III. Interested councils and organizations.

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

**HB 1151**, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: Testimony received emphasized the deplorable state of many local town and city records. These records contain the history of these cities and towns and are very important and need to be preserved. It is hoped this Committee will find the best method of achieving this goal. The amendment added one additional Senator to the Committee and extended the reporting date to November 1, 2001. Vote 16-0.

**Amendment (3486h)**

Amend the bill by replacing section 3 with the following:

**3 Membership and Compensation.**

**I. The members of the committee shall be as follows:**

(a) Five members of the house of representatives, appointed by the speaker of the house, including one member of the house finance committee.

(b) Five members of the senate, appointed by the president of the senate.

**II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.**

Amend the bill by replacing section 5-7 with the following:

**5 Chairperson; Quorum.** The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

**6 Report.** The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, appropriate legislative committees, and the state library on or before November 1, 2001.

**7 Effective Date.** This act shall take effect upon its passage.

**HB 1421-L**, relative to assessment of the land use change tax. **INEXPEDIENT TO LEGISLATE** Rep. Anthony F. Simon for Municipal and County Government: The Committee recognizes this bill identifies an important issue (and potential loophole) in our current use change tax law. The Committee is recommending Inexpedient to Legislate because we understand the current use board is studying this issue in depth and will be making a recommendation to the next legislature if a statutory change is needed. Vote 16-2.

**HB 1254**, establishing a committee to study the need to review and assess state-owned land managed by the fish and game department. **INEXPEDIENT TO LEGISLATE** Rep. John R. Cloutier for Public Works and Highways: The sponsor filed this bill in response to complaints by constituents about a dilapidated World War II era Quonset hut owned by the Department of Fish and Game in her district. But one constituent testified at the hearing in opposition to the bill, agreeing that while the hut is a "disgrace", the bill as written is too broad to deal with the particular problem. Also in opposition was the Director of Fish and Game who testified that his department is presently undertaking efforts to fix up the hut in question. Vote 16-0.

**HB 1357-FN**, relative to the sale of state-owned property in the towns of Belmont and Laconia. **OUGHT TO PASS WITH AMENDMENT**

Rep. Candace W. Bouchard for Public Works and Highways: This bill, as amended, authorizes the sale of the land previously acquired by the state in 1998 in Belmont and Laconia. The Department of Transportation testified this land acquired for future highway use is no longer needed due to wetlands. This bill allows the property to be sold through the normal surplus property process. Vote 16-0.

**Amendment (3465h)**

Amend the bill by replacing section 1 with the following:

**1 Sale of State Land.** The general court recognizes that continued retention of land acquired in 1988 between Route 3 in the city of Laconia and Route 3 in the town of Belmont is no longer judged to be essential for either future highway construction or general public benefit. Therefore the general court authorizes the sale of the land in accordance with the provisions of RSA 4:40.

**AMENDED ANALYSIS**

This bill authorizes the sale of the land previously acquired by the state in 1988 in Belmont and Laconia, in accordance with the provisions of RSA 4:40.

**HB 1420-FN-L**, relative to the port in the city of Portsmouth, New Hampshire. **REFER FOR INTERIM STUDY**

Rep. John P. Gleason for Public Works and Highways: Following testimony, the committee recognized that there are some issues that need to be explored relating to the city of Portsmouth and the New Hampshire State Port Authority. To that end, the committee recommended interim study. Vote 15-1.

**HB 1127**, establishing a committee to study the application and appeal procedures for excavating and dredging permits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stanley E. Czech for Resources, Recreation and Development: This bill provides for a committee of three members of the house and three members of the senate. Its responsibility will be to study the application and appeal procedures for excavating and dredging permits under RSA 482-A. This bill originally limited the review to wetlands but the committee felt that the scope of the research should not be so narrow. Therefore, the amendment deleted the term wetlands. The testimony revealed that obtaining a permit to dredge or excavate from Department of Environmental Services could be a costly and time consuming process. The committee felt an in-depth review was in order. Vote 13-0.

**Amendment (3459h)**

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the application and appeal procedures for excavating and dredging permits under RSA 482-A.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the application and appeal procedures for excavating and dredging permits under RSA 482-A.

**AMENDED ANALYSIS**

This bill establishes a committee to study the application and appeal procedures for excavating and dredging permits under RSA 482-A.

**HB 1158**, relative to state park campground reservations. **INEXPEDIENT TO LEGISLATE**

Rep. H. Charles Royce for Resources, Recreation and Development: After consultation with the Commissioner of the Department of Resources and Economics Development (DRED), the sponsor of this bill feels that his concerns on the reservation system with our state park campgrounds has been resolved, allowing New Hampshire residents to mail in reservations to be processed first on day one of accepting reservations, and limiting the number of reservations to five (5) with any request. The Department will continue to review the reservation system, using new technology. Using the internet while planning family vacations is one consideration. Vote 12-0.

**HB 1235**, relative to fill and dredge in wetlands. **OUGHT TO PASS WITH AMENDMENT**

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The amendment to this bill includes language from House Bill 1289 broadening the definition of surface waters. The remaining parts of the bill will be the subject of House Bill 1127 which will study the application and appeal process for excavating and dredging under RSA 482-A. Vote 13-0.

**Amendment (3424h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to defining surface waters..

Amend the bill by replacing all after the enacting clause with the following:

1 Public Health; Oil Discharge or Spillage in Surface Water or Groundwater; Definitions; Surface Water; Streams. Amend RSA 146-A:2, VI-b to read as follows:

VI-b. "Surface water" means *perennial and seasonal* streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial;

2 Public Health; Underground Storage Facilities; Definitions; Surface Water; Streams. Amend RSA 146-C:1, XVII to read as follows:

XVII. "Surface water" means *perennial and seasonal* streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, watercourses, and other bodies of water, natural or artificial.

3 Water Management and Protection; Water Pollution and Waste Disposal; Definitions; Surface Waters of the State; Streams. Amend RSA 485-A:2, XIV to read as follows:

XIV. "Surface waters of the state" means *perennial and seasonal* streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial.

4 Effective Date. This act shall take effect 60 days after its passage.



## AMENDED ANALYSIS

This bill clarifies the jurisdiction of the department of environmental services with respect to surface waters.

**HB 1289**, relative to defining surface waters, relative to septage and sludge spreading, and relative to rulemaking by the commissioner of the department of environmental services. **INEXPEDIENT TO LEGISLATE**

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: This bill was extensively reviewed by a subcommittee and the sponsor and other interested parties. The language which broadens the definition of surface water is now part of House Bill 1235. The portions of the bill relating to septage and sludge have not previously been the purview of this committee and should be topics for future legislation. Therefore this bill was no longer necessary. Vote 14-0.

**HB 1555-FN-L**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville and requiring the department of transportation to convey a certain parcel of land to the town of Harrisville. **INEXPEDIENT TO LEGISLATE**

Rep. Timothy D. O'Connell for Resources, Recreation and Development: It is the opinion of the committee that this dam should continue to be owned by the town of Harrisville. The dam has been generally well maintained. Testimony revealed that any needed repairs and upgrades are within the capabilities of the town. At this time there is little public benefit to the citizens of New Hampshire in ownership of this dam. Vote 12-1.

**HB 1312**, establishing a committee to study federal regulation of minority ownership of television, radio, and cable outlets. **INEXPEDIENT TO LEGISLATE**

Rep. James A. McDonald, Sr. for State-Federal Relations and Veterans Affairs: The committee was made aware that the Federal Communication Commission (FCC) has adopted new Equal Employment Opportunity (EEO) rules which promote anti-discrimination efforts, broad outreach and industry flexibility. The new rules require broadcast licenses to widely disseminate information about job openings to all segments of the community, to ensure that all qualified applicants, including minorities and women have sufficient opportunities to compete for jobs in the broadcast industry. The National Cable Television Association supports the FCC new EEO rules, which include a detailed record keeping procedure that will facilitate the program. The committee does not feel that a study committee is necessary now that the FCC has adopted the new EEO program. Vote 13-0.

**HCR 31**, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: The only port of entry between Canada and New Hampshire is in the town of Pittsburg, New Hampshire. This border crossing is closed at 4:00pm every day causing those people re-entering New Hampshire after 4:00pm to drive an additional 40 miles to a border crossing in Vermont. Keeping this border crossing open 24 hours a day will benefit individuals, commercial enterprises, trade and cultural exchanges between New Hampshire and Canada. This action will also benefit those people crossing with recreation vehicles such as snowmobiles, ATV's, snowshoes, and skis. It is currently manned 24 hours a day. Vote 13-0.

## REGULAR CALENDAR

**HB 1383**, relative to child support payments. **INEXPEDIENT TO LEGISLATE**

Rep. Laura C. Pantelakos for Children and Family Law: This bill would require the person receiving child support payments to track every dollar spent on behalf of the children, including rent, lights, meals, etc. and to report such accounting to the court and to the obligor every 6 months. If the obligor or the court felt that funds were spent inappropriately then a hearing would be held. Every parents' expenses are different, no standards are in place, and the courts dockets would multiply with more domestic issues. Vote 13-1.  
Adopted.

**HB 1547-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. **REFER FOR INTERIM STUDY**



Rep. L. Randy Lyman for Children and Family Law: This bill would reverse a change in the law that was made less than 4 years ago. Before the committee can recommend that the law be reversed, more facts need to be determined and additional data must be assessed. The committee intends to ascertain the information necessary and needs more time to do so. Vote 12-4.  
Adopted.

**HB 1587-FN**, relative to payment of health insurance costs for certain child day care agencies.  
**OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will create a three year pilot program to assist in providing health insurance coverage to child care workers in child care facilities that accept state subsidized children. The committee heard compelling testimony on the crisis in the day care industry. Knowing that day care is a vital part of the welfare-to-work initiatives and the continued economic development in New Hampshire, the committee agreed that this pilot program would be an incentive for child care agencies to continue to accept state subsidized children. This is also an incentive for private providers to get licensed. This pilot program will terminate July 1, 2003 unless the legislature acts to extend the program. The amendment removes the funding of the program from the budget and requires the Department of Health and Human Services to seek outside sources. Vote 11-3.

**Amendment (3510h)**

Amend the bill by replacing all after the enacting clause with the following:

**I Intent.**

I. The general court hereby finds that it is the intent of this pilot program to provide health insurance coverage for child care workers who care for the children of New Hampshire's lowest income working families. Child care is a vital component of New Hampshire's Welfare to Work initiatives and this pilot program will provide an incentive for licensed child care agencies to accept state subsidized children.

II. The general court further finds that this pilot program will increase benefits in a field which currently has low wages and few employer-sponsored benefits. It is the intent of the general court that increasing the availability of health insurance coverage will result in stabilizing the child care workforce.

2 Health Care Insurance for Employees of Certain Child Day Care Agencies; Pilot Program Established. There is hereby established a 3-year pilot program within the department of health and human services for providing employees of certain child day care agencies with access to health care insurance. For the purposes of this program, "department" shall mean the department of health and human services. The pilot program shall terminate on July 1, 2003 unless the legislature acts to extend the program.

3 Health Care Insurance for Employees of Family Day Care and Group Day Care Homes; Benefit Established.

I. The state shall pay 50 percent of the premium for medical and surgical benefits, including group hospitalization, hospital medical care, and surgical care, for each full-time employee of a family day care home or family group day care home, as such homes are defined in RSA 170-E:2, IV (a) and (b), provided such homes meet the following eligibility requirements:

(a) The family day care home or family group day care home is licensed pursuant to RSA 170-E;

(b) The family day care home has provided care for 2 or more children for which the home received payment under any of the department's child care programs for 9 or more of the preceding 12 months prior to applying to the department for health care coverage under this program, or the family group day care home has provided care for 2 or more children for which the home received payment under any of the department's child care programs for 9 or more of the preceding 12 months prior to applying to the department for health care coverage under this program; and

(c) The family day care home continues to provide child care services for 2 or more children, or the family group day care home continues to provide child care services for 2 or more children, for which either home is receiving payment under any of the department's child care programs as of the time the application to the department for health care coverage is submitted.

II. To be eligible for the benefit established in this section, a full-time employee of a family day care home or family group day care home shall not be eligible to receive health insurance benefits under a spouse's employer-sponsored health insurance programs.

#### 4 Health Care Insurance for Other Child Day Care Agencies; Benefit Established.

1. The state shall pay a percentage of the premium for medical and surgical benefits, including group hospitalization, hospital medical care, and surgical benefits, for each full-time employee of a child day care agency as defined in RSA 170-E:2, IV (c)-(e) and (g) which provides child day care services paid for in whole or in part by the department, and which is licensed pursuant to RSA 170-E.

(a) The state shall pay 35 percent of the premium for a full-time employee of a child day care agency where, during the 6-month period immediately preceding application to the department for health care insurance, the number of children served by that agency who are enrolled in any of the department's child care subsidy or assistance programs is not less than 35 percent or more than 50 percent of the child day care agency's total licensed capacity.

(b) The state shall pay 50 percent of the premium for a full-time employee of a child day care agency where, during the 6-month period immediately preceding application to the department for health care insurance, the number of children served by that agency who are enrolled in any of the department's child care subsidy or assistance programs is greater than 50 percent of the child day care agency's total licensed capacity.

II. To be eligible for the benefit established in this section, a full-time employee of a child day care agency as defined in this section shall not be eligible to receive health insurance benefits under a spouse's employer-sponsored health insurance program.

III. No benefit provided under this section shall exceed benefits provided by the medicaid program.

5 Report. The department of health and human services shall prepare a report detailing the number of participating providers, the number of workers covered by the provisions of the pilot program, the changes in the number of licensed providers, and an estimate of the effect on staff retention. The report shall be submitted to the speaker of the house of representatives, the senate president, and the governor no later than November 1 of each year of the pilot program.

6 Rulemaking. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to application procedures, eligibility criteria, limitations and restrictions, insurance coverage benefits limited to the level of benefits provided through the medicaid program, and any other matter consistent with the provisions of the pilot program.

7 Funding. The commissioner of the department of health and human services is authorized to investigate funding all or part of the cost of the pilot program through sources which include, but are not limited to, the Endowment for Health Foundation or the Healthy New Hampshire Foundation.

#### 8 Effective Date.

I. Sections 6 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2001.

### AMENDED ANALYSIS

This bill establishes a 3-year pilot program in the department of health and human services which would provide full-time employees of certain child day care agencies with financial assistance from the state in obtaining health care insurance. The bill also authorizes the commissioner of the department of health and human services to seek funding for the pilot program through various charitable trusts including, but not limited to the Endowment for Health Foundation, and the Healthy New Hampshire Foundation.

Adopted.

Report adopted and referred to Finance.

**CACR 34**, relating to money raised by taxation. Providing that the provision prohibiting money raised by taxation from being granted or applied for the use of schools or institutions of any religious sect or denomination shall be removed from the constitution. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS

Rep. Clair A. Snyder for the Majority of Education: This CACR would remove from the New Hampshire Constitution the prohibition of public money going to religious schools or institutions. The majority of the committee felt that this CACR would open the door to state support to all kinds of institutions that are not accountable to the public. Further, the federal constitution and case law raise concerns about state support of religious institutions. Vote 9-7.

Rep. David E. Larrabee for the Minority of Education: When the original section, Part II, Article 83, of the Constitution of New Hampshire was drawn up, it did not discriminate against Part II,

Article 83, paying money raised by taxation to schools or institutions of any religious sect or denomination. Eliminating this line, "provided nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination" will not change how tax dollars are distributed, unless future legislation allows. However, it would give the people the right or option to decide. This CACR will give the people a chance to eliminate discrimination against religious organizations from the New Hampshire Constitution.

Reps. Bruno, Alger and Kennedy spoke against.

Reps. Estabrook and O'Hearn spoke in favor.

Rep. Larrabee spoke against and yielded to questions.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Estabrook requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

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### YEAS 241

#### BELKNAP

Czech, Stanley	Holbrook, Robert	Millham, Alida	Pilliod, James
Rice, Thomas	Thomas, John	Turner, Robert	Wood, Jane

#### CARROLL

Babson, David Jr	Bradley, Jeb	Lyman, L Randy	Patten, Betsey
Philbrick, Donald			

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Robertson, Timothy
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

#### COOS

Guay, Lawrence	Horton, Lynn	Landers, Dana	Merrill, Gerald
Pratt, Leighton	Toll, John Jr	Woodward, David	

#### GRAFTON

Almy, Susan	Densmore, Jessica	Dudley, Terri	Guest, Robert
Hall, David	Johnson, Gary	MacNeil, Allen	Marshall, Gene
Nordgren, Sharon	Phinney, William	Scanlan, David	Solow, Martha

#### HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Beaupre, Roland	Belvin, William	Brundige, Robert	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Carlson, Donald	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Foster, Linda	Franks, Suzan	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	LaPorte, George
LaRose, Richard	Lasky, Bette	Leishman, Peter	Leonard, Peter
Lessard, Rudy	Lozeau, DonnaLee	Lynde, Harold	MacGillivray, Jeffrey
McCarthy, William	McCarty, Winston	McColgan, Philip Jr	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Rowe, Robert
Sarette, John	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol	Withee, Dennis	

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Hoadley, Elizabeth  
Marple, Richard  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Marshall, Kenneth  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Leber, William  
Maxfield, Roy  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Hess, David  
Lockwood, Priscilla  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Belanger, Ronald  
Case, Margaret  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Lovejoy, Marian  
Noyes, Richard  
Pitts, Jacqueline  
Rubin, George  
Shelton, Richard  
Stritch, C Donald  
Weatherspoon, Jackie

Bishop, Franklin  
Clark, Martha  
Dearborn, Bruce  
Flanders, David  
Griffin, Mary  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
O'Keefe, Patricia  
Putnam, Ed II  
Ruffner, Walter  
Shultis, Elizabeth  
Tufts, J Arthur  
Whittier, John

Blanchard, MaryAnn  
Clark, Vivian  
Dowling, Patricia  
Flanders, John Sr  
Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
Morse, Charles  
O'Neil, Michael  
Raynowska, Bernard  
Sabella, Norma  
Splaine, James  
Vaughn, Charles

Bridle, Russell  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
Norelli, Terie  
Pantelakos, Laura  
Reardon, Neil  
Schanda, Frank  
Stone, Joseph  
Weare, Everett

**STRAFFORD**

Berube, Roger  
DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spear, Barbara  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Musler, George  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Callaghan, Frank  
Gilmore, Gary  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Jones, Constance  
Tuthill, John

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas Jr  
Phinizy, James

Flint, Gordon Sr  
Robb-Theroux, Amy

**NAYS 85****BELKNAP**

Boriso, Thomas  
Wendelboe, Francine

Boyce, Robert

Johnson, James

Rosen, Ralph

**CARROLL**

Dickinson, Howard  
Sullivan, P Judith

Howard, Godfrey  
Torresen, Gary

Kenney, Joseph

Mock, Henry

**CHESHIRE****COOS**

Rose, William

Gallus, John

**GRAFTON**

Akins, Ralph  
Harmon, Hobart

Alger, John  
Hinman, Harry

Cobb, John  
Ward, Brien

Gilman, G Michael



**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Bergeron, Lucien
Bruno, Pierre	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Dalianis, Griffin	Daniels, Gary	Desrosiers, William	Drabinowicz, A Theresa
Dwyer, Paul Sr	Gagnon, Eugene	Hansen, Herbert	Herman, Keith
Hunter, Bruce	Jean, Loren	Lefebvre, Roland	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	McRae, Karen	Milligan, Robert
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Tate, Joan
Wall, Nancy	White, Donald		

**MERRIMACK**

Kennedy, Richard	Langer, Ray	Larrabee, David Sr	Lavoie, Gerard
Soltani, Tony	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Cox, Russell	DiFruscia, Anthony
Fesh, Robert	Gibbons, Paul	Grant, Kenneth	Hamel, Albert
Henderson, Warren	Kelley, William	Letourneau, Robert	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Nowe, Mary Lou	Nowe, Ronald
Packard, Sherman	Quandt, Marshall	Rabideau, Marie	Sapareto, Frank
Stickney, Nancy	Varrell, Thomas	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Brown, George	Cossette, Larry	Woods, Phyllis
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**SULLIVAN**

Young, David

and the majority report was adopted.

**HB 1320**, establishing a committee to study the rights and duties of parents to educate their children. **INEXPEDIENT TO LEGISLATE**

Rep. Russell N. Cox for Education: The study committee contemplated in the bill would require a general evaluation of parental rights under the Federal constitutional vs. the New Hampshire Constitution. It would also study the effect of removal of statutory regulations of private schools. It was felt that this was too broad a study to be useful for the guidance of education policy for the state. Questions raised about taxation for funding public schools, while interesting, were not deemed to warrant a study and had no relevance to the duties of a parent to educate children. Vote 14-2. Adopted.

**HB 1166**, relative to confidentiality and information collection by the department of agriculture, markets, and food. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harold P. Melcher for Environment and Agriculture: This bill will encourage maple syrup producers to submit to inspections and to receive updated information on standards. Vote 13-1.

**Amendment (3203h)**

Amend RSA 425:4-a, II as inserted by section 2 of the bill by replacing it with the following:

II. Department employees or agents providing such technical help or inspection shall not make available to any other regulatory or enforcement agency, or to the public, information obtained in the course of such help or inspection unless:

- (a) The person requesting such help or receiving such inspection agrees that such information may be released;
- (b) The information reveals an imminent threat to human life or the environment;
- (c) The information reveals evidence of a knowing criminal violation;
- (d) The information is presented in aggregate form with no identification of individual entities in order to develop food safety measures; or
- (e) The department first notifies any person requesting technical help of the provisions of this paragraph.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 1227**, relative to universal waste. REFER FOR INTERIM STUDY

Rep. Donald R. Philbrick for Environment and Agriculture: The Department of Environmental Services has the authority to adopt rules relative to universal waste. There is currently a subcommittee within the Environment and Agriculture Committee studying the universal waste issue and if future legislation is needed, it can address it. The majority of the committee felt this bill was unnecessary, but supported the minority interest of seeing the issue studied further and voted to send it to Interim Study. Vote 13-0.

Adopted.

**HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. OUGHT TO PASS  
Rep. Peter R. Leishman for Environment and Agriculture: This bill will provide \$20,000 for the continuation of groundwater research monitoring at reclamation sites. The continuation of this research is timely and important to provide sound, objective scientific information and is supported by the Department of Environmental Services (DES), the University of New Hampshire (UNH), the Sludge Management Advisory Committee (SMAC), and the New Hampshire Municipal Association (NHMA). Vote 14-2.

Report adopted and referred to Finance.

**HB 1369-FN-L**, clarifying authority to regulate asbestos. OUGHT TO PASS WITH AMENDMENT  
Rep. Harold P. Melcher for Environment and Agriculture: The committee agreed to give the Department of Environmental Services the ability to help citizens of Nashua and Hudson, who find themselves owners of sites contaminated by previously deposited asbestos from Johns Manville and Company, to safely manage their property in the least restrictive way. Vote 13-1.

**Amendment (3470h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Asbestos Management and Control. RSA 141-E is repealed and reenacted to read as follows:

**CHAPTER 141-E**

**ASBESTOS MANAGEMENT AND CONTROL**

**141-E:1 Statement of Policy.**

I. The general court finds that exposure to asbestos fibers over time has been linked by medical and scientific authorities to a significant increase in the incidence of diseases, such as asbestosis, bronchogenic carcinoma, mesothelioma, and other malignancies, and that such diseases place unnecessary and preventable burdens on society while depriving the victims of livelihood, well-being, and life.

II. The general court also finds that:

(a) Abatement of asbestos from workplaces, schools, public facilities, and dwellings, which is carried out to reduce the exposure of the public to this health threat, further jeopardizes public health when the abatement is done without adequate safeguards and by unqualified individuals; and

(b) Asbestos disposal sites pose a potential threat to human health if improperly managed.

III. Therefore, in order to protect the health of the public from this threat, it shall be the policy of the state to establish and enforce asbestos exposure standards and to control the exposure of the public to asbestos by regulation of asbestos abatement and asbestos disposal site activities.

IV. Relative to asbestos abatement activities, it shall be the responsibility of the department of health and human services, in consultation with the commissioner of environmental services, to carry out this policy in accordance with RSA 141-E:3, I and RSA 141-E:6-11, and in such a manner as to avoid direct conflict with other state and federal requirements.

V. Relative to management of asbestos disposal sites, it shall be the responsibility of the department of environmental services, in consultation with the department of health and human services, to carry out this policy in accordance with RSA 141-E:3, II and RSA 141-E:21-25, in lieu of RSA 149-M as previously carried out, and in such a manner as to avoid direct conflict with other state and federal requirements.

141-E:2 Definitions. In this chapter:

I. "Asbestos" means amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite.

II. "Asbestos abatement" means any of the following activities:

(a) The wrecking or removal of any load-supporting structural member containing or covered by RACM, as defined in paragraph VII;

(b) The encapsulation, coating, binding, or resurfacing of structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels containing RACM for the purpose of minimizing the potential for fiber release;

(c) The construction of airtight enclosures by the use of impact resistant materials to isolate surfaces coated or containing RACM;

(d) The removal or stripping of RACM from structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels; and

(e) The repair of RACM to minimize the likelihood of fiber release from damaged areas. Repair may include, but shall not be limited to, application of duct tape, rewettable glass cloth, canvas, cement, or other suitable materials to seal exposed areas where asbestos fibers may be released, or repair of damaged, previously encapsulated, RACM with non-asbestos substitutes; and re-encapsulation or repair of enclosures around RACM.

III. "Asbestos disposal site" means land where asbestos waste exists, either in or on the ground, due to dumping activities which ceased by July 10, 1981. The term includes inactive disposal sites as defined by 40 CFR 61.141. The term does not include any disposal site which is subject to the permitting requirements of RSA 149-M.

IV. "Contractor" means any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities and/or activities involving the disturbance of asbestos at asbestos disposal sites.

V. "Department" means the department of health and human services.

VI. "Friable asbestos material" means any material that contains more than one percent of asbestos by weight, area, or volume and that can be crumbled, pulverized, or reduced to powder when dry by hand pressure.

VII. "Regulated asbestos-containing material" or "RACM" means:

(a) Friable asbestos-containing material;

(b) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that has become friable;

(c) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will be or has been subjected to sanding, grinding, sawing, or abrading; or

(d) Category II non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will likely become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

VIII. "School asbestos abatement planning" means any of the following activities:

(a) The inspection of school buildings for asbestos-containing materials;

(b) The preparation of plans for asbestos abatement in schools, pursuant to P.L. 99-519; or

(c) The design of asbestos abatement projects for school buildings.

IX. "Structural member" means any beam, ceiling, floor, or wall.

141-E:3 Duties.

I. The commissioner of health and human services shall:

(a) License contractors.

(b) Test persons and provide certificates to those who are found competent to engage in either asbestos abatement activities, school asbestos abatement planning activities, or activities involving the disturbance of asbestos at asbestos disposal sites, or any combination thereof.

(c) Collect fees for the issuance of licenses and certificates.

(d) Provide asbestos health risk information to workers who are at risk of exposure to asbestos material and to the general public on the health risks posed by asbestos.

(e) Conduct such medical and scientific studies of workers presently or previously exposed to asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces. The commissioner of health and human services shall strive to determine before undertaking such studies that similar research has not already been performed or is not currently under review by other agencies.



(f) Identify and order the abatement of RACM found in public buildings and facilities, schools, or rental dwellings which exceeds the exposure standards established by this chapter.

(g) Establish safe worker practices to protect the health of asbestos abatement workers where not preempted by the Occupational Safety and Health Act.

II. The commissioner of environmental services shall:

(a) Establish practices and standards necessary to control the release of asbestos fibers during asbestos abatement activities.

(b) Establish practices and standards necessary to control the release of asbestos fibers to the ambient air during processing, transport, and disposal activities.

(c) Develop and implement an inspection and enforcement program specific to asbestos abatement activities.

(d) Establish a notification program for all asbestos abatement activities.

(e) Collect fees for asbestos abatement notification.

(f) Establish, in consultation with the department pursuant to RSA 125-H:3:

(1) Measures for remediating asbestos disposal sites to prevent human exposure to asbestos at or from such sites; and

(2) Best management practices for monitoring and maintaining covered asbestos disposal sites, for the purpose of assisting property owners and local health officers to minimize the risk of human exposure to asbestos at or from such sites.

(g) Administer a program for owners to remediate asbestos disposal sites in accordance with the measures established under paragraph (f)(1) above. The program shall include, but not be limited to, provisions for:

(1) Initiating and completing site investigations;

(2) Developing and implementing remedial action plans;

(3) Developing and implementing activity and property use restrictions as appropriate; and

(4) Documenting and certifying completion of the approved remedial action plan.

(h) In cooperation with local health officials, monitor the condition of asbestos disposal sites to assure conditions are protective of human health and comply with the requirements of this chapter.

(i) Investigate reports by local health officials of newly discovered asbestos disposal sites.

(j) Maintain a registry of asbestos disposal sites, including, but not limited to:

(1) Owner name and mailing address;

(2) Information and maps locating the disposal area;

(3) Type, depth, and a real extent of cover materials;

(4) Site inspection data; and

(5) Status of site remediation.

(k) In cooperation with local health officials, respond to urgent conditions involving the disturbance of asbestos at asbestos disposal sites.

(l) In cooperation with local health officials, establish measures for assuring compliance with activity and property use restrictions relevant to asbestos disposal sites.

(m) Consult with local health officials within the affected communities for the purpose of determining appropriate and effective means for implementing the best management practices established pursuant to RSA 141-E:3, II(f)(2), and provide technical assistance related thereto, including adoption of local ordinances pursuant to RSA 147:1.

(n) Establish recommended training, licensure and certification requirements for contractors and persons engaging in activities involving the disturbance of asbestos at asbestos disposal sites, for implementation by the commissioner of health and human services, pursuant to RSA 141-E:4, I(o).

(o) Have authority to apply for and accept federal funds or other assistance for the purpose of remediating and otherwise managing asbestos disposal sites.

III. In conducting their duties, the commissioner of health and human services and the commissioner of environmental services shall give due consideration to EPA document 560/5-85-024 June 1985 or later revision, "Guidance for Controlling Asbestos Containing Materials in Buildings." 141-E:4 Rulemaking.

I. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The definition of major and minor asbestos abatement projects.



(b) The necessary training, licensure, and certification requirements applicable to major and minor asbestos abatement projects. Such training, licensure, and certification requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(c) Safe worker practices under RSA 141-E:3, I(g).

(d) Closure of places contaminated with RACM under RSA 141-E:7. The use of the word "contaminated" when related to airborne asbestos shall be consistent with asbestos exposure standards under RSA 141-E:6.

(e) Notice and appeal procedures under RSA 141-E:7.

(f) Procedures for the inspection of buildings, including visual assessment criteria for surfacing materials and pipe and boiler insulation, and air monitoring standards consistent with RSA 141-E:7 and the issuance of orders to take corrective actions to mitigate exposure to RACM under RSA 141-E:8.

(g) The licensure of contractors, employers or other individuals undertaking asbestos abatement under RSA 141-E:10. Such licensure requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(h) The certification and training of employees or other individuals engaged in asbestos abatement and school asbestos abatement planning under RSA 141-E:11. Such certification and training requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(i) The schedule and collection of fees under RSA 141-E:12, I.

(j) The issuance of notices of violation and orders of abatement under RSA 141-E:14.

(k) The fee structure to defray the cost of compliance monitoring under RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:10; 141-E:11; and 141-E:13.

(l) Procedures for exemption from the requirements of RSA 141-E:10 and RSA 141-E:11.

(m) A schedule of administrative fines which may be imposed under RSA 141-E:16 for violation of this chapter or the rules adopted pursuant to it.

(n) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 141-E:16.

(o) The necessary training, licensure, and certification requirements applicable to contractors and persons engaged in activities involving the disturbance of asbestos at asbestos disposal sites, such requirements to be determined based on the recommendations provided by the commissioner of environmental services pursuant to RSA 141-E:3, II(n).

II. The commissioner of environmental services shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Establishing work practices and engineering control standards for asbestos abatement activities, including the following:

(1) Establishing standards and practices for minimizing the release of asbestos fibers during building maintenance, construction, renovation, demolition, or other similar activities.

(2) Developing an inspection program of buildings, facilities, and property for the purpose of determining compliance with the rules adopted under this paragraph.

(3) Adopting, in whole or in relevant part, the federal national emission standards for hazardous air pollutants (40 CFR sec. 61, m).

(4) Establishing the schedule and collection of fees under RSA 141-E:12, II.

(5) Establishing a fee structure to defray the cost of compliance monitoring under RSA 141-E:9 and RSA 141-E:13;

(b) Establishing work practices, engineering control standards, and emission standards necessary to control the release of asbestos to the ambient air during processing, transport, and disposal activities; and

(c) Administering a program for the management of asbestos disposal sites, pursuant to RSA 141-E:3, II(f) – (o) and 40 CFR 61.151, as formerly administered under RSA 149-M.

141-E:5 Asbestos Abatement Advisory Committee Established. There is hereby established an asbestos abatement advisory committee for the purpose of coordinating the activities of state agencies responsible for the health, safety, and protection of the public and the environment which are

or may be affected by the presence of asbestos. The commissioner of health and human services or designee shall serve as chairperson of the committee. At a minimum the asbestos abatement advisory committee shall consist of:

- I. The governor or designee;
- II. The attorney general or designee;
- III. The commissioners, directors, or their designees, of:
  - (a) The department of education;
  - (b) The department of labor;
  - (c) The department of environmental services; and
  - (d) The department of health and human services;

IV. An asbestos abatement contractor or school asbestos abatement planner appointed by the governor;

V. A business or industrial representative appointed by the Business and Industry Association of New Hampshire; and

VI. A representative appointed by the Better Home Heat Council of New Hampshire, Inc.

**141-E:6 Indoor Asbestos Exposure Standards.**

I. The indoor non-occupational exposure standard shall be 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, calculated as an 8 hour time weighted average.

II. The indoor occupational exposure standard shall be as provided for by the federal Occupational Safety and Health Administration in 29 CFR 1910, and the federal Environmental Protection Agency in 40 CFR 763, except that, where such standards exceed 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, then the occupational standards shall be 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

**141-E:7 Limitation of Exposure; Closure of Contaminated Areas.**

I. Except as provided for under RSA 141-E:6, II, no person, whether natural or not natural, owning, controlling, or managing any workplace, public building, facility, school, or rental dwelling containing asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods shall permit unnecessary exposure of any person to such conditions which are a violation of a provision of this chapter, or of a rule adopted or order issued pursuant to the authority of this chapter.

II. The department may, in the absence of other effective measures, close access to any building or facility or any portion thereof to other than those engaged in asbestos abatement and school asbestos abatement planning activities in which there have been found asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

III. Closure of access shall not occur until written notice has been provided to the owner or manager of the building or facility. The owner or manager shall be given the opportunity to appeal such action in accordance with RSA 541-A.

**141-E:8 Inspection of Building; Orders.**

I. Whenever the commissioner of health and human services has reason to suspect the presence of RACM in any public building, facility, school, or rental dwelling, he or she may cause inspections to be carried out. If RACM is found in damaged or deteriorated condition or if conditions exist which could result in significant human exposure or if asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods are found, the commissioner of health and human services may order corrective action to abate the risk to the health of the public. The order may, at the discretion of the commissioner of health and human services, include notice of closure of access under RSA 141-E:7.

II. In the event that asbestos levels exceed the standards set in RSA 141-E:6, I or II, there may be a second test of samples collected over an 8-hour period or as otherwise approved by the department, analyzed by scanning or transmission electron microscopy analysis before any order of abatement is issued. The results of the scanning or transmission electron microscopy analysis, which shall be recorded in terms of the number of asbestos fibers longer than 5 micrometers per cubic centimeter of air in accordance with OSHA standard definitions for asbestos monitoring, shall prevail in the determination of whether the standard is exceeded. Such tests shall be paid for by the owner of the building or facility being analyzed.

III. The commissioner of health and human services may, upon request of the owner, inspect private dwellings for the presence of RACM. If RACM is found, the commissioner of health and human services shall make recommendations to the owner for its abatement. The commissioner of health and human services shall charge a fee for such inspections under RSA 141-E:12.

141-E:9 Control of Asbestos Emissions. No person, whether natural or not natural, owning, controlling or managing any workplace, public building, facility, school, or rental dwelling involved in asbestos abatement shall permit such abatement of asbestos in a dry state or in violation of any rules adopted by the commissioner of environmental services under this chapter unless specifically exempted by rule.

141-E:10 Licensure.

I. Any contractor, employer, or individual which engages in asbestos abatement activities or activities involving the disturbance of asbestos at asbestos disposal sites shall first obtain a license from the department, unless exempt pursuant to paragraph II below or rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(1).

II. Individuals certified pursuant to RSA 141-E:11 shall not be required to obtain a license for the performance of asbestos abatement or disturbance of asbestos at asbestos disposal sites when carried out under the authority of a contractor or employer holding a valid license issued by the department pursuant to this section.

III. A license to engage in asbestos abatement, disturbance of asbestos at any asbestos disposal site, or both, shall be issued in writing by the department and shall be valid for a period of 12 months from the date of issuance, shall be dated when issued, shall contain an expiration date, and shall be signed by the commissioner of health and human services or designee. The license shall also include the name and address of the applicant.

IV. The license or a certified copy thereof shall be available at the worksite for inspection by representatives of the department, the commissioner of environmental services, or the local government.

V. The department may grant a license to an applicant if the applicant is licensed by another state whose standards for licensure are substantially equivalent to the provisions of this section and the rules adopted by the department.

141-E:11 Certification of Employees; Reciprocity.

I. Employees and other individuals who engage in asbestos abatement, school asbestos abatement planning, or disturbance of asbestos at any asbestos disposal site shall first obtain a certificate of training from the department, unless exempt pursuant to rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(1).

II. The certificate shall be in writing, be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the commissioner of health and human services or designee. It shall also include the name and address of the employee to whom it is issued.

III. The certificate or a certified copy thereof shall be readily available at the worksite for inspection by the representatives of the department, the commissioner of environmental services, or the local government.

IV. The department may grant certification if the employee is certified by another state whose certification is substantially equivalent to the provisions of this section and the rules adopted by the commissioner of health and human services.

141-E:12 Fees.

I. The commissioner of health and human services shall, by rule, set a schedule of fees for the granting of licenses under RSA 141-E:10, the granting of certificates under RSA 141-E:11, and the inspection of private dwellings under RSA 141-E:8, III. All fees shall be deposited in a nonlapsing account, shall be used solely for the administration of the department's responsibilities under this chapter, and are hereby continually appropriated for said purposes.

II. The commissioner of environmental services shall, by rule, set a schedule of fees for the notification of asbestos abatement projects. All such fees and the fines levied under RSA 141-E:16, II shall be deposited in a nonlapsing account, shall be used solely for the administration of the commissioner of environmental services' responsibilities under this chapter, and are hereby continually appropriated for said purposes.

141-E:13 Compliance Monitoring.



I. For the purposes of assuring compliance with RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:9; 141-E:10; and 141-E:11, or with any rule adopted by the commissioner of health and human services or the commissioner of environmental services, an authorized representative of the department of health and human services or commissioner of environmental services may, upon presentation of appropriate credentials and at any reasonable time:

- (a) Enter any asbestos abatement worksite and any asbestos disposal site;
- (b) Inspect and obtain samples from the workplace and the environment for the purposes of ensuring compliance with this chapter;
- (c) Procure and examine licenses issued under RSA 141-E:10 and certificates issued under RSA 141-E:11; or
- (d) Request, inspect, and record information, or test results relating to asbestos abatement activity, school asbestos abatement planning activity, or asbestos disposal site activity.

II. Any information, other than asbestos contamination or exposure data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection shall not be disclosed by any representative of the department of health and human services or commissioner of environmental services without permission of the person whose worksite is inspected.

#### 141-E:14 Enforcement.

I. Whenever the commissioner of health and human services has reason to believe that the provisions of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by the commissioner of health and human services under this chapter has been violated, he or she shall issue a notice of violation and an order of abatement. The commissioner of health and human services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.

II. Whenever the commissioner of environmental services has reason to believe that any provision of RSA 141-E:3 or any rule adopted by the commissioner of environmental services under this chapter has been violated, the commissioner of environmental services shall issue a notice of violation and an order of abatement. The commissioner of environmental services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:9 or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.

III. The notices of violation issued pursuant to paragraphs I and II of this section shall set forth the facts constituting the violation. The orders of abatement shall require elimination of the violation and shall set forth the time frame within which abatement shall be completed.

#### 141-E:15 Criminal Penalty; Fine.

I. A person shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person, if he or she knowingly:

- (a) Violates any provisions of RSA 141-E or any rule adopted under it;
- (b) Violates any term or condition of a license, certificate, or order issued under RSA 141-E; or
- (c) Makes or certifies a material false statement relative to any document or information required under RSA 141-E.

II. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than \$25,000 if found guilty of any violation of this chapter or any rule adopted under this chapter. Each day of violation shall constitute a separate offense.

#### 141-E:16 Administrative Fines.

I. The commissioner of health and human services, after notice and hearing, pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner of health and human services shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties or administrative actions under this chapter. The commissioner of health and human services shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this paragraph shall be forwarded to the state treasurer to be deposited into the general fund.



II.(a) The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of RSA 141-E:3, II or any rule adopted by the commissioner of environmental services under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department of environmental services pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner of environmental services under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner of environmental services in the fund established by RSA 141-E:12, II.

(b) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner of environmental services pursuant to RSA 541-A:16.

(c) The commissioner of environmental services shall determine fines in accordance with RSA 125-C:15, I-b(b).

(d) The commissioner of environmental services may assess an additional fine for repeat violations.

III. Whenever a person licensed pursuant to RSA 141-E:10 or certified pursuant to RSA 141-E:11 fails to pay an administrative fine as required by this section, the commissioner of health and human services, after notice and hearing pursuant to rules adopted under RSA 541-A, may deny, suspend, or revoke the license or certificate or may issue an appropriate order.

141-E:17 Civil Forfeiture. Any person who violates any provision of RSA 141-E or any rule adopted under it, or any term or condition of a license, certificate, or order issued under RSA 141-E, shall be subject to a civil forfeiture of up to \$25,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

141-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

141-E:19 Discharge of or Discrimination Against Employees. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee, or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter.

141-E:20 Federal Preemption. Nothing in this chapter shall be construed to allow the department of health and human services or the commissioner of environmental services to enforce such occupational safety and health standards which have been preempted by the Occupational Safety and Health Act of 1970, 29 U.S.C. sec. 651 et seq.

141-E:21 Release Prohibited; Asbestos Waste Sites. No person shall cause or allow asbestos fibers to be released to the environment from an asbestos disposal site.

141-E:22 Management of Asbestos Disposal Sites. The owner of an asbestos disposal site shall maintain and manage the site in accordance with this chapter and rules adopted by the commissioner of environmental services under RSA 141-E:4, II.

141-E:23 Disclosure.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes an asbestos disposal site, the seller shall disclose the following information to the buyer:

(a) The nature and extent of the asbestos waste disposed of on the property, to the extent known at the time of transfer;

(b) The existence of any outstanding obligations pertaining to compliance with the requirements of this chapter;

(c) The existence of any activity and property use restrictions;

(d) The existence and location of all known records pertaining to asbestos disposal conditions at the site.

II. Within 10 days following title transfer of an asbestos disposal site, the former property owner shall notify the commissioner of environmental services of such transfer in writing.

III. The following information shall be disclosed by the owner to any person who uses, occupies, or will likely disturb asbestos at an asbestos disposal site, such as a tenant or contractor:

(a) The presence of asbestos waste, including the location and depth of cover, to the extent known; and

(b) The need to comply with the requirements of this chapter, including activity and property use restrictions as applicable.

IV. Pursuant to 40 CFR 61.151(e), any owner of an asbestos disposal site shall record in the property chain of title at the registry of deeds for the county in which the property is located, notice of the following:

(a) That the property has been used for the disposal of asbestos waste;

(b) That the survey plot and record of the location and quantity of asbestos waste disposed of within the disposal site required in 40 CFR 61.154(f) have been filed with the commissioner of environmental services; and

(c) That the site is subject to 40 CFR part 61, subpart M.

141-E:24 Right of Entry. The commissioner of environmental services or authorized representative shall be authorized to enter, at reasonable times and in performance of his or her duties, upon any private or public property, to inspect asbestos disposal site conditions and investigate reports by local health officials of newly discovered asbestos disposal sites.

141-E:25 Third Party Liability. There shall be no implied cause of action for third party damages against any person under this chapter to the extent that the person's liability under this chapter is based solely on the person's ownership of an asbestos disposal site.

2 Effective Date. This act shall take effect July 1, 2000.

Rep. Leishman yielded to questions.

On a division vote, 115 members having voted in the affirmative and 184 in the negative, the amendment failed.

Rep. Musler moved Re-commit to Committee.

Adopted.

**HB 1395-FN-A-L**, establishing an advance disposal fee and establishing grants to fund municipal waste management programs and activities. REFER FOR INTERIM STUDY

Rep. Peter R. Leishman for Environment and Agriculture: This bill would have assessed an advance disposal fee on specified products such as automotive coolants, fluorescent lamps, nickel-cadmium batteries and mercury thermostats. There was some concern there may not be any environmental benefit from this legislation and the consumer would just cross the border to avoid paying these new fees. However, questions were raised that this proposed legislation could be beneficial as it may discourage the use of products that may be environmentally unsound. Because of this the Committee supported Interim Study. Vote 16-1.

Adopted.

**HB 1483**, permitting owners to choose certain health care providers for their animals. OUGHT TO PASS WITH AMENDMENT

Rep. David L. Babson for Environment and Agriculture: It is the feeling of the Committee that the problems associated with an individual's having the right to select alternative medical care for their animal was caused by the addition of the word "lameness" in the final version of SB 83. This bill removes the word "lameness". Vote 14-0.

Rep. Musler moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 1307**, relative to certification of food protection managers. REFER FOR INTERIM STUDY

Rep. Howard C. Dickinson for Executive Departments and Administration: While this bill has much to recommend it, the majority of the committee feels strongly that the subject of "food protection manager" should be studied further during the interim. Such questions, as the definition of "potentially hazardous foods" and what "food service establishments" are covered by the requirement to employ a certified food protection manager is not clear. This bill needs further work if it is going to effect all establishments both public and private serving food in New Hampshire, but not licensed by cities and towns. Vote 10-5.

Adopted.

**HB 1345-FN**, relative to the salary of licensed practical nurses employed by the state. **INEXPEDIENT TO LEGISLATE**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill elicited much discussion regarding the thousands of classes of employees in state service. The committee discussed the level of qualifications established by the Department of Personnel and felt that this issue is best resolved by the Personnel Department. Vote 11-5.  
Adopted.

**HB 1468-FN**, relative to the registration of pharmacy technicians. **OUGHT TO PASS**

Rep. Nancy C. Stickney for Executive Departments and Administration: HB 1468-FN requires that the Board of Pharmacy register pharmacy technicians. This bill defines the term pharmacy technician and establishes the necessary rulemaking authority for the Board of Pharmacy. Pharmacy technicians have become an integral part of the operation of most pharmacies and it is time to require registration for the purpose of establishing standards, duties and functions thereby addressing the interest of public safety. Vote 9-5.  
Adopted and referred to Finance.

**HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: The committee amended the original bill establishing a medical savings account for state employees when allowed by changes in federal law. The amendment is enabling legislation to allow the state to offer this type of plan when permitted. This amendment does not mandate this option but permits it to be discussed during the collective bargaining process. Vote 15-0.

#### **Amendment (3487h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Medical Savings Account Plan. Amend RSA 21-I by inserting after section 26 the following new section:

21-I:26-a Medical Savings Account Plan.

I. The provision under this subdivision of hospitalization, hospital medical care, surgical care, dental care, and other medical and surgical benefits to state employees by payment of the premium for inclusion in a group insurance program may be administered by the department as a medical savings account plan or may include a medical savings account provision. A "medical savings account" means a tax-exempt account into which funds are contributed and which may be used exclusively for certain qualifying hospitalization, hospital medical care, surgical care, dental care, and other medical and surgical care expenses.

II. Upon the passage of federal legislation authorizing the components of the plan established under the authority of this section, the division of personnel, bureau of employee relations, under the commissioner of administrative services, may develop a medical savings account plan.

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill authorizes the department of administrative services to develop, contingent on the passage of federal legislation, a medical savings account plan which may be used in providing the health care benefits afforded state employees.

Adopted.

Report adopted and ordered to third reading.

**HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: In 1987, the legislature gave the counties legislative authority to place their correctional line personnel into group II of the New Hampshire Retirement System from group I. This was optional to the counties and could only be done by affirmative vote of the county delegation upon recommendation of the county commissioners and the executive committee. Most counties have done this but at different times after the effective date of July 24, 1987. This bill will allow the individual who had been a member of group I after the effective date up to the date of transfer to purchase his group I time into the group II



section of the retirement system. The amendment specifies the time in group I must have been served while in the employment of the present employer. The amendment further requires a member desiring to purchase such time obtain an actuarial accrual statement of the cost from the actuary and to pay this cost. In addition, the member is limited to a one time purchase of all of the time in group I between the enabling date and the date the county transferred its member into group II and the buy in must be paid in full. There will be no additional cost to the county for this transfer nor is there any cost effect on further county contributions on behalf of the members for current time in group II. There will be no cost to state or local funds if this bill is enacted. Vote 10-5.

#### Amendment (3485h)

Amend the bill by replacing section I with the following:

I New Hampshire Retirement System; County Corrections Personnel; Eligibility for Purchase of Prior Group I Service as Group II Service. At the time any county elects to transfer the corrections officer personnel employed at its correctional facilities from group I to group II retirement system service under the provisions of RSA 100-A:20, III, any corrections officer, who has prior eligible group I service as a corrections officer in a facility of the county in question, may purchase such service as group II service notwithstanding any provisions of RSA 100-A:20, III to the contrary. Provided, however, that the period of the service must have been performed between the dates of July 24, 1987 and the date of the transfer of the corrections positions to group II. A one-time cost of obtaining such prior service credit, determined by the actuarial accrued liability methodology, shall be the responsibility of the member requesting the calculation. An eligible member shall notify the board of trustees of the member's desire to purchase such time and shall purchase such time within 5 years of the effective date of this act.

Adopted.

Report adopted and referred to Finance.

**HB 1574-FN**, relative to a living wage act which establishes a living wage requirement for state contracts and awards and state employees, and establishing a study committee on living wage and family economic security. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: A number of factors prevented committee support including article 28-a conflict, inflated costs of state contracts, preferential treatment in labor negotiations and two tiered minimum wage rates. The committee believes that minimum wage should be a subject of federal legislation so the effect on poverty level benefits can be addressed at the same time. While some members supported the idea of the study committee described in the bill, the responsibilities of this study were so all encompassing as to include most of the current social and economic problems in the country. We could not realistically justify such a mandate. Vote 13-3.

Adopted.

**HB 1575-FN**, relative to the licensure of interpreters for the deaf. REFER FOR INTERIM STUDY Rep. Carolyn A. Virtue for Executive Departments and Administration: The committee believes this is an important piece of legislation and that licensure of deaf interpreters may have merit. However, the committee did not have sufficient time to complete its work on the bill and voted to refer the bill to interim study. Vote 8-6.

Adopted.

#### PRIVILEGE OF THE HOUSE

Rep. Virtue requested Privilege of the House.

Rep. Solow moved that the remarks made by Rep. Virtue be printed in the Journal.

Adopted.

Rep. Virtue: Thank you Madam Speaker and honorable colleagues. The majority committee report relative to House Bill 1575 that appears on page 440 of the House Record attributes my name to the report. However, the report does not appear as I originally wrote it nor as it was sent from the Committee on Executive Departments and Administration. The report was changed without my consent. It has been explained to me that this occurred due to a miscommunication and the appropriate apologies have been extended to me which I sincerely appreciate. However, we are talking about a permanent record of the work of this body. I am compelled to rise to point out that discrepancy to protect the integrity of the record. Thank you.



**REGULAR CALENDAR (CONT'D.)**

**HB 1514-FN-L**, requiring a death record for an aborted fetus. **INEXPEDIENT TO LEGISLATE**  
 Rep. Lawrence A. Emerton for Health, Human Services and Elderly Affairs: Present law requires that whenever a fetal death occurs, the attending physician shall fill out a death record and it is solely a statistical report. This bill would add aborted fetal deaths. At the hearing, the sponsor requested we withdraw the original bill and replace it with an amendment to establish a committee to study the fiscal effects of fetal alcohol syndrome on state agencies. The proposed amendment was substantially different and would require a public hearing under the House rules. Even though the amendment was well intentioned and perhaps merits further study, it could not be considered. As the original bill was withdrawn by the sponsor, the committee voted ITL. Vote 16-0.  
 Adopted.

**HB 1408**, relative to appointment of non-attorneys as judges. **INEXPEDIENT TO LEGISLATE**  
 Rep. Sandra B. Keans for Judiciary: Under current statutes there is no requirement for a judge to be a lawyer or member of the bar. The governor may indeed nominate any citizen he or she feels has appropriate qualifications and temperament for the responsibility. This bill is not well written in that we cannot be sure who is eligible – a member of the bar/non-practicing, law degree/non-practicing, or none of the above. A common complaint today is that the judge does not apply the law accurately. If that is true, this legislation will only complicate the situation. Vote 15-1.  
 Adopted.

Rep. Soltani declared a conflict of interest and did not participate.

**MOTION TO SPECIAL ORDER**

Rep. Hess moved that **HB 1111**, relative to the adoption by reference of the International Property Maintenance Code for municipalities, be made a Special Order for Thursday, March 9, 2000 in the regular calendar order.  
 Adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 1485-FN**, relative to a certain toll booth and establishing a committee to study road tolls along the state's highways. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Richard F. Ahern for Public Works and Highways: This bill as amended eliminates a proposed toll booth in Nashua. This toll booth was part of the original circumferential highway, and part of the portion not being considered at this time due to environmental concerns. Toll booths cost money to construct, and if there was not going to be the potential to collect tolls for some time into the future, the need for it did not seem to be necessary. The intent of the committee was in no way intended to affect any other toll facilities in the state. If other situations occur that need this type of attention, we will address them at that time. The Department of Transportation supported the amended bill. Vote 13-4.

**Amendment (3425h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to a certain proposed toll booth.

Amend the bill by replacing all after the enacting clause with the following:

1 Proposed Toll Booth. Notwithstanding RSA 240 or any other provision of law to the contrary, the department of transportation shall not build the proposed toll booth in Nashua.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill provides that a proposed toll booth in Nashua shall not be built.

Adopted.

Report adopted and referred to Finance.

**SB 46-FN**, relative to the applicability of mooring permit requirements **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: At present, the six largest lakes in New Hampshire are covered by the moorings program. This bill would add

all lakes over 500 acres (37 additional lakes) to the program over a number of years. In addition, other lakes could be petitioned to be in the program by 25 residents. The supporters of this bill argue that this is a pro-active approach to prevent potential abuses of the use of moorings. Testimony in support of the bill was primarily limited to the sponsor and representatives of the New Hampshire Lakes Association. The bill would give the Department of Safety the authority to determine the number of moorings on these lakes and who would get them. Municipalities would have additional control over public mooring fields through local regulations. The committee feels this is a big government solution to a problem yet to exist on these additional lakes. Vote 12-4.

Rep. MaryAnn N. Blanchard for the Minority of Resources, Recreation and Development: In the 1999 Session, the House killed a mooring bill in anticipation of SB 46-FN. At that time, the committee recognized the complexity of issues on this subject and were hopeful that working on this bill would resolve them. Unfortunately, the day of the public hearing was snowy and attendance by both committee members and concerned parties was limited. Nor was this bill put into a subcommittee for further review. At the executive session, several legislators expressed lack of a clear understanding of the bill and its issues. The Minority believes this bill did not receive the scrutiny it deserved.

Majority report adopted.

**HB 1330**, relative to telephone special contracts. INEXPEDIENT TO LEGISLATE

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill sought to restrict special pricing contracts for telephone utilities. The Public Utilities Commission (PUC) grants special contracts for telephone services not covered by established tariffs. The PUC requires a showing of special circumstances, and then determines whether the special contract is just, and in the public interest. The majority of the committee feels that this legislation is not needed. Most of the concerns of the sponsor are now addressed in a recent PUC order. The PUC issued an order on 12-2-99 requiring all parties seeking special contracts to prove that pricing guidelines are competitive, that the same pricing arrangements are available to others and that the special contract will not be predatory in nature and therefore restrict competition. Issues identified during committee hearings will be referred to the telecommunications oversight committee for discussion and follow up. Vote 12-3.

Adopted.

**HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different polluters. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill as amended addresses two distinct issues: 1) fees collected by the department of environmental services (DES) from air polluters to administer air pollution control and 2) technical corrections to last session's HB 625 which dealt with mercury emissions reduction from municipal waste combustors. 1) The bill authorizes the department to collect its fees at different rates for different pollutants, as opposed to present practice which treats all pollutants the same regardless of toxicity or comparative risk. DES already collects a \$47 fee per ton of air pollutant as authorized by federal law. The committee agreed with the sponsor that charging different amounts for different pollutants was desirable, but the committee limited the department's authority by clearly requiring that the enactment of this bill will not change total fees collected, will not assess fees on additional pollutants, and will not increase the number of categories of pollutants currently compiled by the department. The committee also limited the range of fees among different categories of pollutants to not more than a ratio of 4 between the largest and the smallest, and phased in this change in two steps. In addition, the bill authorizes DES to waive collection of all fees less than a de minimus amount. As a result, DES stated that this bill would not significantly change the cost of administering this program. The bill then also provides for a study to examine possible changes to these limits. 2) When HB 625 (mercury emissions reduction from municipal waste combustors) was signed into law in January instead of last July, certain technical corrections became necessary to give DES until September 1 to study ash landfills instead of February 1 and to state that the study will accompany, rather than precede, implementation of the first mercury controls. The remaining technical corrections, in section 3 of the bill, clarify the language enacted last year and allow a minimum of 6 months for a combustor newly covered by federal rules to submit a plan for eventual compliance. The date

required for eventual compliance is clarified but unchanged. While subsequent legislation now being discussed in the Senate could further change this program, the committee believes these technical corrections and clarifications should be made promptly. Vote 13-2.

### Amendment (3476h)

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Air Pollution Control; Costs Assessed at Different Rates. Amend RSA 125-C:12 by inserting after paragraph V the following new paragraphs:

VI. The fee schedules authorized in paragraphs IV and V may include different fees per ton for different pollutants, subject to the following conditions:

(a) Differences in fees shall be justified either on the basis of differences in the impact of the different pollutants on public health or on the environment, or on the basis of differences in the cost of administration for different pollutants.

(b) The total fees collected pursuant to paragraphs IV through VI shall be the same amount as would have been collected pursuant to paragraphs IV and V in the absence of this paragraph.

(c) No additional pollutants shall be assessed as a result of this paragraph. New pollutants may be assessed if the federal government adds additional pollutants to its list of pollutants requiring Title V permits, or if the state adds to the list of regulated toxic air pollutants in accordance with RSA 125-I:4, V.

(d) Different fees per ton may only be applied to the following categories of pollutants, and not to individual pollutants within these categories:

- (1) Total suspended particulates, excluding particulate matter smaller than 10 microns.
- (2) Particulate matter smaller than 10 microns.
- (3) Nitrogen oxides.
- (4) Sulfur dioxide.
- (5) Volatile organic compounds.
- (6) Carbon monoxide.
- (7) Hazardous and toxic air pollutants not included in subparagraph VI(d)(5).

(e) The maximum fee per ton for any category shall not exceed 4 times the minimum fee per ton for any category. For emissions during calendar year 2001 only, the maximum fee per ton for any category shall not exceed 2 times the minimum fee per ton for any category.

(f) This paragraph shall only apply to emissions after December 31, 2000.

VII. The department may set a de minimis amount for fees under paragraphs IV, V and VI and may waive the collection of all fees less than this amount.

2 Mercury Emissions Reduction and Control Program; Findings and Purpose. Amend RSA 125-M:1, V to read as follows:

V. Ash landfills which serve municipal waste combustors may experience increased mercury levels in the ash disposed at such landfills as a result of efforts to lower mercury emissions from such municipal waste combustors. Therefore, the general court finds that it is appropriate ~~[to implement] that the implementation of mercury controls on municipal waste combustors [after the department of environmental services conducts]~~ **be accompanied by** a detailed study and review of the ash landfills in the state **by the department of environmental services** to make certain that all necessary safeguards are in place to protect against environmental degradation from such sources and ensure the protection of drinking water supplies.

3 Mercury Emissions Reduction and Control Program; Compliance. Amend RSA 125-M:5, I to read as follows:

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter. Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1,



2001 with the emission limits established by this chapter. Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day which are subject to RSA 125-M:3, I shall submit such plan and application by January 1, 2001 ~~[in order to comply by July 1, 2001]~~ *or by 6 months after becoming subject to RSA 125-M:3, I, whichever is later, and shall comply with the emission limits established by this chapter by July 1, 2001 or by the date required for compliance with the federal maximum mercury emission rate that makes the combustor subject to RSA 125-M:3, I, whichever is later.*

4 Ash Landfill Study. Amend 1999, 350:2 to read as follows:

350:2 Ash Landfill Study. The department of environmental services shall study the implications of having increased mercury levels in ash in order to ensure maximum protection measures from ash contaminants. The department shall review current environmental protection practices at ash landfills that serve combustors with a design capacity of 100 tons per day or more, including methods used to handle and treat ash, the adequacy of leak detection systems and groundwater monitoring, and the ability to effectively mitigate environmental contamination, if it should occur, to protect drinking water supplies. The department shall report its findings by ~~[February]~~ *September 1, 2000* to the house science, technology and energy committee, the house environment and agriculture committee, the house resources, recreation and development committee, the senate environment committee, the governor, the state library, the New Hampshire/Vermont Solid Waste Project, all of the municipalities in the Sullivan County Regional Refuse Disposal District, and the Concord Regional Solid Waste/Resource Recovery Cooperative and its member municipalities.

5 Study.

I. The department of environmental services shall study the feasibility and methods of implementation for the following possible changes to the list of categories in RSA 125-C:12, VI(d):

(a) Separating hazardous and toxic air pollutants now included in RSA 125-C:12, VI(d)(1) from RSA 125-C:12, VI(d)(1).

(b) Separating hazardous and toxic air pollutants now included in RSA 125-C:12, VI(d)(5) from RSA 125-C:12, VI(d)(5).

(c) Dividing all listed hazardous and toxic air pollutants into not more than 3 categories based either on the basis of differences in the impact of the different pollutants on public health or on the environment, or on the basis of differences in the cost of administration for different pollutants.

II. The department of environmental services shall also study the feasibility and methods of implementation for increasing the ratio of maximum fee per ton for any category to minimum fee per ton for any category from 4 to a larger number.

III. The department of environmental services shall report its findings by November 15, 2000 to the speaker of the house of representatives, the president of the senate, the house science, technology and energy committee, the senate environment committee, the governor, and the state library.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Authorizes the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants.

II. Provides that the implementation of mercury controls on municipal waste combustors be accompanied by, as opposed to being implemented after, a study of ash landfills in the state by the department of environmental services.

III. Requires that certain combustors complete an application for a permit or permit modification under RSA 125-C and compliance plan by January 1, 2001 or 6 months after becoming subject to certain provisions of RSA 125-M, whichever is later, and comply with the emission limits established by RSA 125-M by July 1, 2001 or by the date required for compliance with the federal maximum mercury emission rate that makes such combustors subject to certain provisions of RSA 125-M, whichever is later.

IV. Extends to September 1, 2000 the date by which the department of environmental services shall report its ash landfill study findings.

V. Requires the department of environmental services to study the feasibility and methods of implementing certain changes to listed air pollutant categories.

Adopted.

Report adopted and referred to Finance.



**HB 1470**, relative to divestiture of electric utility assets. **OUGHT TO PASS WITH AMENDMENT** Rep. Gary R. Gilmore for Science, Technology and Energy: This legislation addresses several concerns raised in the proposed settlement in regard to the divestiture of PSNH generation assets. While responding to the concerns of a great many of the non-settling parties, it codifies several of the policies adopted by the Electric Restructuring Oversight Committee. Foremost among the issues raised is that of PSNH conducting the sale of generation assets while PSNH affiliates are allowed to bid on these same assets. If PSNH or an affiliate or a potential affiliate because of a pending merger intends to be allowed to bid, the sale of these assets will be administered through the PUC by an independent and qualified entity. The bill urges the PUC to require a more rapid amortization of the proceeds of the asset sale than is outlined in the settlement. The bill also encourages the PUC to delay the sale of the hydroelectric facilities allowing interested municipalities a greater opportunity to bid a fair market price on these facilities. Vote 14-0.

### **Amendment (3507h)**

Amend the bill by replacing sections 1 and 2 with the following:

#### **1 Findings.**

I. In accordance with "Agreement to Settle PSNH Restructuring" filed with the public utilities commission on August 2, 1999 (the Agreement), Public Service Company of New Hampshire (PSNH) has agreed to divest itself of its power generation assets and power purchase agreements. The Agreement contemplates divestiture through several processes, including the sale of PSNH's existing power generation facilities through an asset sale process. The Agreement states that the goal of the asset sale process is to maximize the net proceeds realized from the sale in order to mitigate stranded costs. However, the agreement also contemplates that PSNH will conduct the asset sale process, and that PSNH affiliates will be allowed to bid in the asset sale process should they seek to retain generating facilities.

II. The general court finds that the asset sale process outlined in the Agreement is seriously flawed. A sale of PSNH's assets, conducted by PSNH, with PSNH affiliates bidding on the assets, establishes a multi-layered conflict of interest that is antithetical to the public interest.

III. Because the sale of assets will significantly affect stranded costs, the general court is obligated to ensure both the fairness and the appearance of fairness of the asset sale process in order to maximize the proceeds of the sale.

IV. The general court finds that an asset sale conducted by the public utilities commission is more likely to maximize proceeds and thereby reduce stranded costs than an asset sale conducted by PSNH.

V. The general court finds that the proceeds of the asset sale will likely generate greater savings for ratepayers if such proceeds are more rapidly amortized than what is proposed in the Agreement. The public utilities commission should require a more rapid amortization if such potential savings do exist and it is in the public interest.

VI. As a condition of approving the Agreement, the public utilities commission may find that an additional divestiture of assets is in the public interest.

VII. The general court finds that it is in the public interest to allow municipalities to bid a fair market price on hydroelectric facilities. The public utilities commission may find it appropriate to delay the sale of any such facilities for up to one year to facilitate such participation by municipalities.

VIII. The general court finds that an asset sale conducted pursuant to this act should not be inconsistent with the laws or rules of the state of New Hampshire.

**2 New Paragraph; Public Utilities; Electric Utility Restructuring; Implementation; Divestiture of Assets.** Amend RSA 374-F:4 by inserting after paragraph XI the following new paragraph:

XII.(a) If a settlement agreement between the state and an electric utility, entered into for the purpose of implementing retail choice of electric suppliers, requires divestiture of electricity generation assets, and if the electric utility, an affiliate, or a company that would become an affiliate if an announced merger were consummated has retained the right to bid on those assets, the commission shall administer the liquidation of such assets. Any asset sale administered by the commission pursuant to this paragraph shall be conducted in this state. The commission shall hire an independent, qualified asset sale specialist to conduct the asset sale process. The electric utility shall be allowed to comment prior to the selection of any such specialist. The commission may require that any such settlement agreement provide for the divestiture of additional generation assets or change the method of divestiture. The commission should require that any such settlement agreement amortize the proceeds of any asset sale at the most rapid rate that is beneficial to ratepayers.

(b) In order to facilitate the participation of municipalities in the acquisition of any hydroelectric facilities being divested by an electric utility under this paragraph, the commission is authorized, if it finds it to be in the public interest, to delay the sale of any such hydroelectric facilities for up to one year later than that of the sale of non-hydroelectric generation assets being divested by the electric utility. Notwithstanding RSA 31:5 and RSA 33:8, no approval of the superior court shall be required for a municipality to hold one special town meeting or one special meeting to raise or appropriate money or to issue bonds or notes for the purchase of a hydroelectric facility under this paragraph or for expenditures related to such activity.

#### AMENDED ANALYSIS

This bill:

I. Requires that the public utilities commission administer the divestiture of electricity generation assets required by a settlement agreement between the state and a public utility.

II. Requires that the public utilities commission hire an independent, qualified asset sale specialist to conduct the asset sale process.

III. Permits the public utilities commission to require that any settlement agreement provide for the divestiture of additional assets or to change the method of divestiture.

IV. Advises the public utilities commission to require that any settlement agreement amortize the proceeds of any asset sale at the most rapid rate that is beneficial to ratepayers.

V. Authorizes the public utilities commission to delay the sale of hydroelectric utilities being divested by a public utility for up to one year later than non-hydroelectric generation assets being divested.

Adopted.

Report adopted and ordered to third reading.

**HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. John H. Thomas for Science, Technology and Energy: This initiative was the result of a two-year telecommunication roundtable process comprised of the governor's office, members of the legislature, Public Utilities Commission (PUC), telecommunications industry and the private sector. Whereas high tech workers are a significant part of our employment community and high tech industries are a large part of New Hampshire's economy, the committee found that the initiative should create a new position within the Department of Resources and Economic Development. This position's goals should be to identify, promote and enhance and publicize the telecommunications infrastructure in the state for the purpose of economic development. An advisory committee shall be formed and be composed of a broad range of members from the governor's office, the legislature, PUC, education community, small and large business, municipal and county government, economic development organizations, residential sector and the telecommunications industry. Funding for the first year until June 30, 2001 shall be provided through an assessment by the PUC on the certified telecommunications providers. Possible subsequent funding, if this position is to be continued, could be provided from the general fund, a line access charge, or an assessment on certified telecommunications providers. Vote 13-2.

#### Amendment (3497h)

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds that:

I. The dissemination of information regarding the status of telecommunications infrastructure in the state of New Hampshire is a critical component of New Hampshire's economic development efforts. A telecommunications development initiative is therefore established to identify existing telecommunications infrastructure and create a central repository of basic information, and to publicize this telecommunications infrastructure as an integral part of economic development efforts. Due to the rapid rate of change of telecommunications infrastructure data, the central repository of information should be limited to only basic information and a list of contacts for further information.

II. A secondary duty of the telecommunications development initiative is to identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state, and to assist efforts to enhance the deployment of telecommunications services.

III. The accomplishments of this initiative should be reviewed no later than the fourth year of its existence.

2 New Paragraph; Resources and Economic Development; Director of Economic Development, Duties; Telecommunications Development Initiative. Amend RSA 12-A:22 by inserting after paragraph VIII the following new paragraph:

IX. Develop and implement a telecommunications development initiative pursuant to RSA 12-A:45.

3 New Subdivision; Telecommunications Development. Amend RSA 12-A by inserting after section 44 the following new subdivision:  
Telecommunications Development

12-A:45 Telecommunications Development Initiative.

I. The director of economic development, under the supervision of the commissioner of resources and economic development and pursuant to the director's duties under RSA 12-A:22, shall develop and implement a telecommunications development initiative.

(a) As primary duties of this initiative, the director shall:

(1) Identify existing telecommunications infrastructure by establishing and maintaining a database of telecommunications service providers, services, and infrastructure that exist throughout the state.

(2) Publicize the state's telecommunications infrastructure, as an integral part of the state's economic development efforts, by planning, developing, administering, and implementing programs to assist in the distribution of information about available telecommunications services, infrastructure, and technologies throughout all parts of the state.

(b) As secondary duties of this initiative, the director shall:

(1) Identify shortcomings in the deployment of telecommunications infrastructure throughout all parts of the state,

(2) Work with providers of telecommunications services, educators, and municipal, county, state, and other government officials to assist efforts to enhance the deployment of telecommunications services.

II. The director may delegate any of the duties established in paragraph I to appropriate designees within the division of economic development.

III. The budget for any fiscal year for the duties of this subdivision shall not exceed \$150,000.

12-A:46 Telecommunications Development Advisory Committee.

I. There is hereby established a telecommunications development advisory committee to advise and assist the director of economic development in performing the duties established in RSA 12-A:45. The committee shall meet at least quarterly.

II. The members of the committee shall be:

(a) The governor, or designee;

(b) The commissioner of resources and economic development, or designee;

(c) The commissioner of administrative services, or designee, preferably from the division of information technology management;

(d) The chairman of the public utilities commission, or designee;

(e) One member of the house of representatives, appointed by the speaker of the house of representatives;

(f) One member of the senate, appointed by the president of the senate; and

(g) The following persons appointed by the commissioner of resources and economic development with the approval of the governor and council:

(1) One member representing residential telecommunications customers;

(2) One member representing large business telecommunications customers;

(3) One member representing small business telecommunications customers;

(4) One member representing educators providing distance learning;

(5) One member representing municipal government;

(6) One member representing county government;

(7) One member representing a regional economic development organization or a regional planning commission; and

(8) Up to 5 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, internet service providers, cable, long distance providers, and broadcast television. A member representing one sector of the telecommunications industry may also represent one or more other sectors, as deemed appropriate by the commissioner.



III. The legislative members of the committee shall serve for the duration of their legislative term, and shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. Other appointed members of the committee shall serve for 3 years and until a successor is appointed.

V. The committee shall elect a chairperson from among the members.

12-A:47 Telecommunications; Statutory Construction. For purposes of this subdivision, "telecommunications" shall be construed broadly, and shall include, but not be limited to, traditional dial tone services, the transmission of voice, data, or video through cable and wireless media, and any other similar services to be offered in the future.

12-A:48 Authority of Director to Acquire Information. The director of economic development is authorized to request from telecommunications service providers such information as the director requires to perform the duties established in RSA 12-A:45.

12-A:49 Confidentiality. Information provided to the director pursuant to a request made under RSA 12-A:48 shall, if properly demonstrated by the provider of the information, be deemed confidential, commercial, or financial information and exempt from public disclosure under RSA 91-A:5, IV. Nothing in this section shall prohibit the director from disclosing information provided pursuant to a request made under RSA 12-A:48 in a manner that does not specifically identify the provider.

4 Telecommunications Development Advisory Committee; Initial Terms of Members. The initial terms of the appointed members of the telecommunications development advisory committee shall be as follows:

I. The members appointed pursuant to RSA 12-A:46, II(g)(1)-(3) shall serve for a period of one year.

II. The members appointed pursuant to RSA 12-A:46, II(g)(4)-(7) shall serve for a period of 2 years.

III. The members appointed pursuant to RSA 12-A:46, II(g)(8) shall serve for a period of 3 years.

5 Initial Funding; Appropriation.

I. The commissioner of resources and economic development shall develop a budget for the fiscal year ending June 30, 2001 for the telecommunications development initiative established by this act, and shall submit the budget to the fiscal committee of the general court for final approval.

II. The sum of \$150,000 for the fiscal year ending June 30, 2001 is hereby appropriated to the department of resources and economic development for the purposes of commencing the telecommunications development initiative established by this act. This appropriation is in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$150,000 for the fiscal year ending June 30, 2001 shall be assessed by the public utilities commission against certified telecommunications providers in accordance with the procedures of, and in addition to all other funds collected pursuant to, the utility assessment of RSA 363-A. All funds received by the public utilities commission pursuant to this paragraph shall be paid to the state treasurer for deposit into the general fund for the purposes of this act.

6 Repeal. The following are repealed:

I. RSA 12-A:22, IX, relative to a telecommunications development initiative.

II. RSA 12-A:45-49, relative to telecommunications development.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2004.

II. The remainder of this act shall take effect July 1, 2000.

Adopted.

Report adopted and referred to Finance.

**HB 1569-FN**, relative to contamination of state water resources and the health and environmental effects of certain gasoline components. OUGHT TO PASS WITH AMENDMENT

Rep. Terie T. Norelli for Science, Technology and Energy: The committee has considered several bills relating to the gasoline additive, methyl tertiary butyl ether (MtBE) over the past two years. This bill, as introduced, would have prohibited the sale of reformulated gasoline (rfg) in certain parts of the state, limited conventional gasoline to 87 octane and required testing of gasoline and water supplies. There was testimony that certain motor vehicles require gasoline with an octane



rating greater than 87. In addition, an octane rating of 87 means that it has a minimum rating of 87, making this requirement impractical. Last year the legislature passed SB 70 which gives the commissioner of the Department of Environmental Services the authority to ban MtBE in all or any part of the state after a public hearing and approval of governor and council. Further, it required that there be a readily available, reasonably priced, less hazardous alternative available. The committee felt that these requirements included in SB 70 were in the best overall interests of the public. The committee believes SB 70 is the most proactive legislation of any state in the nation. Therefore, as amended, this bill does not include provisions for an octane cap or for a ban of reformulated gasoline. Should this voluntary water testing program prove to be inadequate, a proposal for mandatory testing can be resubmitted and considered in the next budget cycle. Testing costs for the 306 municipally owned water systems was estimated by the Department of Environmental Services to cost \$42,000 annually. Testing for other public water systems was estimated to be \$220,000 annually. DES testified that nearly half of all public water systems are required to perform routine testing in the next calendar year. With the budget constraints that currently exist, the committee felt a voluntary testing program for all public water systems was appropriate. As amended, this bill institutes a voluntary testing program and requires that the department provide a certificate stating whether the water meets the MtBE standard. In addition the department shall report their findings to the MtBE study committee that can suggest legislative changes if deemed necessary. The intent of the gasoline testing was to determine whether reformulated gasoline is currently being sold in the six counties not required to use rfg under the Clean Air Act. The bill was amended to require DES to sample gasoline in this area and to report their findings to the MtBE study committee, contingent upon the receipt of sufficient grant money to pay the lab fees for the samples. The department testified that they have already approached the US Environmental Protection Agency for such a grant. Vote 13-1.

#### **Amendment (3480h)**

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. In order to cost-effectively minimize the contamination of our water resources, the following actions are proposed relevant to conventional and reformulated gasoline which contains the oxygenate methyl tertiary butyl ether (MTBE).

#### **2 Voluntary Water Testing and Report.**

I. The department of environmental services shall propose a voluntary testing program of public water supplies in New Hampshire for MTBE concentrations. This voluntary testing program shall be in addition to existing testing requirements for public water supplies. The department shall contact by letter all public water systems in the state and describe how public water systems can best conduct these voluntary MTBE tests. The department shall compile the results of any MTBE test that a public water system voluntarily conducts and voluntarily submits to the department.

II. The commissioner of environmental services shall report findings and conclusions to the MTBE study committee established under 1999, 55. The report shall include the results of testing, a list of which public water systems conducted or did not conduct such tests, and any recommendations for future mandatory testing of public water supplies, including reimbursement to water systems operated by municipalities.

III. The department shall, upon request, supply to any public water system that has conducted a voluntary test a certificate stating the results of the test and whether the water meets the MTBE standard.

3 Study of Reformulated Gasoline. The commissioner of environmental services shall, upon receipt of sufficient grant money to pay for the analyses, study the amount of reformulated gasoline delivered to areas in the state where reformulated gasoline is not currently required under New Hampshire's state implementation plan by analyzing levels of methyl tertiary butyl ether (MTBE) in a minimum of 100 gasoline samples taken from a representative selection of gasoline distribution facilities located outside Hillsborough, Merrimack, Rockingham, and Strafford counties. Samples shall include samples of different grades of gasoline. The commissioner shall report find-

ings of the study by October 1, 2000 to the speaker of the house of representatives; the president of the senate; the MTBE study committee established under 1999, 55; the house science, technology and energy committee; the senate environment committee; the governor; and the state library.

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services, upon receipt of sufficient grant money, to study levels of MTBE in gasoline samples taken from gasoline distribution facilities located outside Hillsborough, Merrimack, Rockingham, and Strafford counties, and report findings of the study by October 1, 2000. This bill also requires the department of environmental services to propose a voluntary testing program of public water supplies for MTBE concentrations.

Adopted.

Report adopted and referred to Finance.

### MOTION TO SPECIAL ORDER

Rep. Marsha Pelletier moved that **HB 1234**, relative to a special commission allowing non-ordained ministers residing out of state to perform marriages in New Hampshire, be made a Special Order for Thursday, March 9, 2000 for 4:00 p.m. or at the end of the Regular Calendar and spoke in favor. Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1418-FN-L**, relative to mercury-containing products. REFER FOR INTERIM STUDY

Rep. Harold P. Melcher for Environment and Agriculture: Because of the complexity of this bill, the necessity of collaborating with other New England states, and the short time allowed to create a meaningful bill, the committee felt it should send it to Interim Study. Vote 14-0.

Rep. Musler moved Re-commit to Committee and spoke in favor.

Adopted.

**HB 1578-FN-A**, relative to the joint promotional program and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Finance: This bill called for an appropriation of \$1,000,000 in FY 2001 for in-state tourism development and development of products assisting tourism promotion. With the uncertainty of the actual shortfall from the state's funding of education for FY 2001, the committee feels it inappropriate to approve the expenditure of \$1,000,000 at this time. Furthermore, with the exception of the sponsors, all the testimony to the Finance Committee was in opposition. The main thrust of this bill is for in-state tourism development. However, the Division of Travel and Tourism and the other speakers felt that any further monies should be spent for out-of-state promotions. Vote 24-0.

Rep. Avery spoke against and yielded to questions.

Rep. Vivian Clark spoke in favor and yielded to questions.

On a division vote, 209 members having voted in the affirmative and 118 in the negative, the report was adopted.

**HCR 28**, requesting the New Hampshire supreme court to rule on whether part first, article 6 and part second, article 83 of the New Hampshire constitution are in conflict. INEXPEDIENT TO LEGISLATE

Rep. Martha S. Solow for Judiciary: The proponents of the bill argue that absence of religious education is equivalent to the teaching of secular humanism and are de facto religious schools. Proponents argue further that no state funding should go to such schools; i.e., the state should not fund public education. The committee rejected both the argument and the conclusion as unfounded in fact and unsupported by testimony. Vote 12-2.

Rep. Bruno spoke against and yielded to questions.

Rep. Jacobson spoke in favor.

Adopted.

**HB 1173-L**, relative to the optional veterans' tax credit. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: The veterans tax credit is currently \$100 that is subtracted each year from the property tax on the veteran's residential property. The

sponsors proposed increasing the tax credit to \$200. However, all of the veterans on our committee knew that this increase would cost shift the tax burden to the rest of the taxpayers in the community and therefore was not appropriate. Municipal & County Government acknowledges that the tax credit is a symbol of appreciation to all veterans for their service and thinks it is appropriate to continue this gesture at its current level. Vote 17-1.

Reps. Twardus and Brennan spoke against.

Rep. Brundige spoke in favor and yielded to questions.

Rep. Hess spoke in favor.

Rep. Twardus requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 243 NAYS 83

### YEAS 243

#### BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane

#### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torresen, Gary			

#### CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin
Zerba, Roger			

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	Woodward, David

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Harmon, Hobart
MacNeil, Allen	Marshall, Gene	Nordgren, Sharon	Phinney, William
Solow, Martha			

#### HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Brundige, Robert	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Daigle, Robert	Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Hansen, Herbert	Herman, Keith	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	McCarty, Winston
McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy

O'Hearn, Jane  
Sarette, John  
Wall, Nancy

Peterson, Andrew  
Simon, Anthony  
White, John

Reeves, Sandra  
Tate, Joan  
Williams, Carol

Rowe, Robert  
Thulander, O Alan

### MERRIMACK

Bouchard, Candace  
Davis, Francis  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Nichols, Avis  
Rosenfield, Jay  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Larrabee, David Sr  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Whalley, Michael

Crosby, Toni  
Fortnam, Janet  
Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
Virtue, Carolyn

Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Leber, William  
Moore, Carol  
Reardon, Tara  
Wallin, Jean

### ROCKINGHAM

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Martha  
Dearborn, Bruce  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kane, Cecelia  
Letourneau, Robert  
Moore, Benjamin  
O'Neil, Michael  
Rabideau, Marie  
Shelton, Richard  
Stritch, C Donald  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Bridle, Russell  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John Sr  
Grant, Kenneth  
Hutchinson, Karen  
Kelley, William  
Lovejoy, Marian  
Norelli, Terie  
Packard, Sherman  
Raynowska, Bernard  
Shultis, Elizabeth  
Tufts, J Arthur  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Case, Margaret  
Cooney, Richard  
Dowling, Patricia  
Francœur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Kobel, Rudolph  
Major, Norman  
Noyes, Richard  
Pitts, Jacqueline  
Sabella, Norma  
Stickney, Nancy  
Varrell, Thomas  
Weatherspoon, Jackie

Bishop, Franklin  
Christie, Andrew Jr  
Cox, Russell  
Fesh, Robert  
Gibbons, Paul  
Hamel, Albert  
Johnson, Robert  
Langone, John  
McKinney, Betsy  
O'Keefe, Patricia  
Putnam, Ed II  
Sapareto, Frank  
Stone, Joseph  
Vaughn, Charles  
Welch, David

### STRAFFORD

Bickford, David  
Estabrook, Iris  
Smith, Marjorie  
Vachon, Dennis

Brown, Julie  
Gilmore, Gary  
Snyder, Clair  
Vincent, Francis

Cossette, Larry  
Keans, Sandra  
Spear, Barbara  
Wall, Janet

Dunlap, Patricia  
Musler, George  
Taylor, Kathleen

### SULLIVAN

Allison, David  
Leone, Richard

Donovan, Thomas Jr  
Wiggins, Celestine

Flint, Gordon Sr

Jones, Constance

### NAYS 83

### BELKNAP

Rosen, Ralph

Lyman, L Randy

### CARROLL

Avery, Stephen

Meador, David

Robertson, Timothy

Russell, Ronald

None

### COOS

### GRAFTON

Brothers, Richard  
Hinman, Harry

Densmore, Jessica  
Johnson, Gary

Dudley, Terri  
Scanlan, David

Hall, David  
Ward, Brien



**HILLSBOROUGH**

Bruno, Pierre	Buckley, Raymond	Burkush, James	Cote, David
Craig, James	Dalianis, Griffin	Desrosiers, William	Drabinowicz, A Theresa
Dwyer, Paul Sr	Hunter, Bruce	Jean, Claudette	LaPorte, George
Lefebvre, Roland	Martin, Mary Ellen	McCarthy, William	McDonald, James Sr
Mendenhall, Leslie	Messier, Irene	Pappas, Marc	Pepino, Leo
Reidy, Frank	Turgeon, Roland	Vaillancourt, Steve	White, Donald
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Kennedy, Richard	Langer, Ray
Marple, Richard	Owen, Derek	Soltani, Tony	St Cyr, Gerard
Yeaton, Charles			

**ROCKINGHAM**

Downing, Michael	Flanders, David	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Langley, Jane	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Quandt, Marshall	Rubin, George
Ruffner, Walter	Schanda, Frank	Splaine, James	Weyler, Kenneth

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Johnson, Nancy	Kaen, Naida	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Twardus, Joseph	Woods, Phyllis		

**SULLIVAN**

Cloutier, John	Phiniza, James	Robb-Theroux, Amy	Tuthill, John
Young, David			

and the report was adopted.

Reps. Knowles and Mock declared conflicts of interest and did not participate.

**HB 1355-FN-A**, authorizing funding for a hydrodynamic study of the Hampton/Seabrook harbor and estuarine system. **OUGHT TO PASS**

Rep. William P. Brennan for Public Works and Highways: This study is necessary to create a plan for the Hampton/Seabrook harbor. Without such a plan in place, the federal agencies concerned will not issue any more permits of any kind for any purpose. This would be very detrimental to the whole Seacoast and certainly not a situation that we should be in. Vote 17-0.

Rep. Edwin Smith spoke against.

The report failed.

Rep. Edwin Smith moved Inexpedient to Legislate.

Rep. Cloutier spoke in favor.

Adopted.

**HB 1350**, relative to interbasin and interstate transfers of water. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill was introduced at the request of the Department of Environmental Services (DES). It proposes regulation on interbasin and interstate transfers of water. Although this activity is not planned or expected in the near future, the proponents felt a pro-active approach to regulations on these activities would be appropriate at this time. The committee felt that these actions may be necessary in the future, but now is not the time. Next session would be more appropriate when these new initiatives could be given the time they deserve. Vote 9-4.

Rep. Jane Wood spoke to the bill.

Adopted.

**SUSPENSION OF RULES**

Reps. Chandler and Nordgren moved that the Rules be so far suspended as to permit action beyond the February 24, 2000 deadline on: **HB 1369-FN-L**, clarifying authority to regulate

asbestos, *HB 1521-FN-L*, relative to the definition and administration of an adequate education and *HB 2000-FN-L*, relative to a 10-year transportation plan.

Rep. Chandler spoke in favor and yielded to questions.

Rep. Nordgren spoke in favor.

Adopted by the necessary two-thirds.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 9, 2000 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

*HB 1382-FN*, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids.

*HB 1494-FN*, establishing penalties for attempts to purchase firearms illegally.

*HB 1531*, relative to the preemption of local regulations of firearms.

*HB 1258-FN*, relative to invasive plant, insect, and fungal species.

*HB 1416-FN*, establishing a brownfields cleanup revolving loan fund.

*HB 1559-FN*, establishing a committee to study the organization and functions of the New Hampshire state port authority.

*HB 1199*, establishing a study committee on funding for affordable housing.

*HB 1504*, relative to submission of biennial budget estimates by agencies.

*HB 1535-FN*, relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

*HB 1571-FN*, relative to claims arising from clinical services provided to the department of corrections.

*HB 1311*, relative to payment of employer contributions for unemployment compensation.

*HB 1450*, relative to hearings and appeals of equal pay claims.

*HB 1512-FN*, establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

*HB 1151*, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives.

*HB 1357-FN*, relative to the sale of state-owned property in the towns of Belmont and Laconia.

*HB 1127*, establishing a committee to study the application and appeal procedures for excavating and dredging permits.

*HB 1235*, relative to defining surface waters.

*HCR 31*, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day.

*HB 1166*, relative to confidentiality and information collection by the department of agriculture, markets, and food.

*HB 1510-FN*, relative to establishing a medical savings account plan for providing state employee health care benefits.

*HB 1470*, relative to divestiture of electric utility assets.

## UNANIMOUS CONSENT

Reps. Burnham and Avery addressed the House.

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 251 and Senate Bill 228.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports, only.

Adopted.

The House recessed at 12:55 p.m.

**RECESS**

**(Rep. Whalley in the Chair)**

**RESOLUTION**

Rep. Herman offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 327, 332, 334, 345, 346, 354, 355, 358, 363, 370, 381, 382, 421, 422, 428 and 450, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 327**, relative to responsibility of the employee and perjury under workers' compensation. (Labor, Industrial and Rehabilitative Services)

**SB 332**, relative to risk-based capital for health organizations. (Commerce)

**SB 334**, relative to credit unemployment insurance. (Commerce)

**SB 345**, relative to real estate transfers. (Municipal and County Government)

**SB 346**, relative to court appearances by certain business owners. (Judiciary)

**SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades. (Transportation)

**SB 355**, relative to name changes for criminal offenders. (Criminal Justice and Public Safety)

**SB 358**, relative to court reporting services. (Judiciary)

**SB 363**, relative to the sale of malt beverages. (Commerce)

**SB 370**, relative to reflectors on bicycle pedals. (Transportation)

**SB 381-FN**, relative to registration fees for off-highway recreation vehicles. (Resources, Recreation and Development)

**SB 382**, relative to appeals of release or detention orders. (Criminal Justice and Public Safety)

**SB 421-FN-A**, establishing a child day care program credit against the business profits tax and the business enterprise tax. (Finance)

**SB 422-FN**, relative to the housing security guarantee loan program. (Finance)

**SB 428-FN-A**, relative to the development of certain public health initiatives and making an appropriation therefor. (Finance)

**SB 450-FN**, prohibiting the importation of tobacco products that violate federal law. (Finance)

**RECESS**

**(Rep. Clegg in the Chair)**

**RESOLUTION**

Rep. Keith Herman offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 431 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading and referral**

**SB 431**, relative to certain secondary vocational education programs. (Education)

## RECESS

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 640.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

## RECESS

**(Rep. Christie in the Chair)**

**RESOLUTION**

Rep. Lozeau offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1619 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

***HB 1619-FN***, relative to school employee and volunteer background investigations. (Ward, Graf 1: Education)

## RECESS

**(Speaker Sytek in the Chair)**

Rep. Keith Herman moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 9

Thursday, March 9, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Dear God, we pause momentarily to catch our breath as we continue our life's journey on this busy day. May the decisions and actions made today in this hallowed chamber work to defend, support, and uphold each citizen of our beloved New Hampshire. In thanksgiving to You for our many blessings, we pray. Amen.

Rep. Loren Jean led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, Lundborn, Lyman, MacNeil, Murphy, Perkins and Searles, the day, illness. Reps. Blaisdell, Burkush, Gary Johnson, Larrabee, LaMott, L'Heureux, McIntyre, Mikowski, Moran, Rabideau, Robertson and Solow, the day, important business. Reps. George Brown and Dawe, the day, illness in the family.

### INTRODUCTION OF GUESTS

The members of the Woodland Heights 5<sup>th</sup> Grade Band from Laconia: Crystal Ramsay, Amanda Whittier, Gabby Polito, Evan Coop Craig, Ashley Bergman, Sarah Shaner, Letitia Caruso, Biranna Dunn, Julie Gilbert, Meredyth McCullough, Jason Fasshauer, Jared Downs, Keith Robinson, Chris Reddic, Jeff Accornero, Curtis Dodge, Ashley Patten, Amanda Jenot, Casey Williams, Heather Harris, Jayme Dubreuil, Chris Roberts, Courtney Contigiani, Seth Page, Charlie Weatherbee and director, Mary Sawyer, guests of Rep. Jane Wood. Roger Emerson, guest of Rep. Leber. Vladimir Koshko and Igor Kozin, guests of Rep. Crosby. The 4<sup>th</sup> Grade Class from the Reeds Ferry Elementary School and their teacher Mrs. Fay, guests of the Merrimack Delegation. Kris Strassner, guest of the Pembroke/Allenstown delegation.

### SPECIAL GUESTS

Gustav Owen, the New Hampshire winner of the Young Americans National Award for Outstanding Volunteerism and his parents, Mr. and Mrs. Robert Owen, guests of the House.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1109**, relative to the modification of spousal support orders, removed by Rep. Dickinson.

**HB 1292**, making it a crime to cause the death of an unborn child as a result of committing a violent act against a pregnant woman, removed by Rep. Torressen.

**HB 1226**, relative to vacancies in the office of United States senator, removed by Rep. Wendelboe.

**HB 1339-FN-L**, relative to the local option to exempt taxation of certain excavation activity, removed by Rep. Bruno.

**HB 1387-L**, relative to pre-existing school districts within a cooperative school district, removed by Rep. Jacobson.

**HB 1461-FN-A-L**, relative to an education property tax exemption and school choice, removed by Rep. Torressen.

**HB 1532**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted, removed by Rep. Rosen.

**HB 1360**, prohibiting full-time judges from earning income from sources other than judicial salaries, removed by Rep. Mirski.

**HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes, removed by Rep. Tufts.

Consent Calendar adopted by the necessary two-thirds.

**HB 1242**, relative to the standard for modification of a child custody order. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: The amended bill codifies circumstances under which a parent can ask the court to change permanent child custody. This will help those filing pro se to find it in statute rather than having to research case laws as well. Vote 12-1.

### Amendment (3585h)

Amend the bill by replacing section 1 with the following:

1 Annulment, Divorce, and Separation; Standard for Modification of Permanent Child Custody Orders. RSA 458:17, V is repealed and reenacted to read as follows:

V.(a) The court may issue an order modifying a permanent custody order under any of the following circumstances:

(1) The parties agree to a modification;

(2) If the court finds repeated, intentional, and unwarranted interference by a parent who has permanent primary physical or permanent joint or shared physical custody with the visitation or custodial rights of the other parent, without the necessity of showing harm to the child, the court may order a change in physical custody if the court determines that such change would be in accordance with the best interests of the child;

(3) The circumstances affecting the welfare of the child have been so greatly altered that there is a strong possibility that the child will be harmed if the child continues to live under the present arrangement; or

(4) If the court finds that a minor child is of sufficient maturity to make a sound judgment about his or her proper custody, the court may give substantial weight to the preference of the mature minor child as to the parent with whom he or she wants to live. Under these circumstances, the court shall also give due consideration to other factors which may have affected the minor child's preference, including, but not limited to, whether the minor child's preference was based on undesirable or improper influences.

(b) For the purposes of this paragraph, the burden of proof shall be on the moving party.

### AMENDED ANALYSIS

This bill establishes criteria under which the court may order a modification of a permanent child custody order.

**HB 1533**, relative to the child protection act. **REFER FOR INTERIM STUDY**

Rep. Mary Stuart Gile for Children and Family Law: This bill makes certain changes to the child protection act including reporting requirements, evidentiary standards, disclosure and confidentiality of proceedings. Specifically, the bill proposes amendments to statutes related to child abuse and neglect, legal supervision, parental rights, protective custody, burden of proof, adjudicated hearings, appeals and duties of the department of health and human services. The complexity of the proposed amendments combined with compelling testimony convinced the committee that this bill needed more time and further study. Vote 12-0.

**HB 1138**, requiring warnings for certain anti-theft devices **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: The medical evidence offered at the public hearing by acknowledged medical experts overwhelmingly demonstrated that electronic anti-theft systems pose no public health threat hazards to persons with pacemaker implants or to others. Further, it was convincingly established that disclosures by the manufacturers and provided by physicians to patients at the time of implant and continuously thereafter, are far more effective than the signage

required by this bill. The committee unanimously felt that such signage would interfere with the doctor-patient relationship and unreasonably and unnecessarily alarm persons wearing pacemakers. Vote 14-0.

**HB 1160**, relative to access to the enhanced 911 system. OUGHT TO PASS WITH AMENDMENT Rep. Tim S. McGough for Commerce: This bill as amended prohibits insurance companies from requiring a consumer to call them for authorization prior to accessing the 911 system for emergency ambulance transport. Insurance companies cannot under this legislation specify use of a specific contracted ambulance service for emergency purposes, but maintains the right to contract with a company for provision of non-emergency transport under statutory definitions of emergency medical conditions and emergency service enacted in 1997. Vote 13-1.

#### Amendment (3495h)

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Access to Enhanced 911 System. Amend RSA 415-A by inserting after section 5 the following new section:

415-A:5-a Access to Enhanced 911 System.

I. No accident or health insurance policy issued or renewed after the effective date of this section shall contain any provision which establishes or promotes an emergency medical response or transportation system that encourages or directs access by an insured or enrollee in competition with or in substitution of the state enhanced 911 system or other state, county, or local government emergency medical services system.

II. Notwithstanding paragraph I, an insurer may use transportation outside the enhanced 911 or other government emergency medical services system for services that are not in response to an emergency medical condition, as defined in RSA 420-J:3, XV.

III. No accident or health insurance policy issued or renewed after the effective date of this section shall contain any provision requiring an insured or enrollee to obtain prior authorization before accessing the enhanced 911 system or other state, county, or local government emergency medical services system for response and/or transportation for emergency services, as defined in RSA 420-J:3, XVI.

IV. No person who issues an accident or health insurance policy subject to this chapter shall use false or misleading language in its enrollment sales materials or in any other materials provided to insureds or enrollees to discourage or prohibit insureds or enrollees from accessing the enhanced 911 system for response and/or transportation for emergency services.

2 New Section; Access to Enhanced 911 System. Amend RSA 420-J by inserting after section 3 the following new section:

420-J:3-a Access to Enhanced 911 System.

I. No health benefit plan issued or renewed after the effective date of this section shall contain any provision which establishes or promotes an emergency medical response or transportation system that encourages or directs access by a covered person in competition with or in substitution of the state enhanced 911 system or other state, county, or local government emergency medical services system.

II. Notwithstanding paragraph I, a health carrier subject to this chapter may use transportation outside the enhanced 911 or other government emergency medical services system for services that are not in response to an emergency medical condition, as defined in RSA 420-J:3, XV.

III. No health benefit plan issued or renewed after the effective date of this section shall contain any provision requiring a covered person to obtain prior authorization before accessing the enhanced 911 system or other state, county, or local government emergency medical services system for response and/or transportation for emergency services, as defined in RSA 420-J:3, XVI.

IV. No person who issues a health benefit plan subject to this chapter shall use false or misleading language in its enrollment sales materials or in any other materials provided to covered persons to discourage or prohibit covered persons from accessing the enhanced 911 system for response and/or transportation for emergency services.

3 Reference Addition; Managed Care Plans. Amend RSA 417-F:1, II to read as follows:

II. "Insurer" means any entity providing managed care coverage or accident or health insurance or accident and health insurance policies, contracts, certificates, or other evidence of coverage to enrollees, insureds, or subscribers pursuant to RSA 415, 415-A, 419, 420, 420-A [or], 420-B or 420-J.

4 Effective Date. This act shall take effect 60 days after its passage.



**HB 1481**, requiring managed care organizations to offer prescription drug plans. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: While the sponsor's concern is to be commended, the committee found that managed care organizations already offer prescription drug plans to its subscribers. The person who was affected was over 65-years-old on Medicare, and did need gap coverage for her prescription drugs. The committee feels that this bill is not necessary at this time and might effect HMO's whose groups might want to purchase prescription drugs outside the plan. Vote 14-1.

**HB 1297**, establishing a commission on fairness in sentencing. **INEXPEDIENT TO LEGISLATE**  
Rep. Herbert R. Hansen for Criminal Justice and Public Safety: After much discussion about this bill the majority voted it ITL because to do otherwise would undermine the judicial judgment of our District and Superior Court Judges. We have assigned by law maximum penalties for felonies, misdemeanors and violations and expect the judges to evaluate the details of each crime that they find a person guilty of and to assign a penalty commensurate with their evaluation that is within the maximum range for the crime. In our Superior Court, there is a sentence review process (RSA 651:57) that a defendant may use for review of his or her sentence. The review board consists of three judges, not including the sentencing judge. Vote 14-2.

**HB 1392**, relative to the criminal offense of initiating a vehicular pursuit. **INEXPEDIENT TO LEGISLATE**

Rep. Beth Rodd for Criminal Justice and Public Safety: The committee felt that the purpose of the bill is adequately met in the current statute RSA 265:4.I(c) and that the existing penalties are sufficient to address issues resulting from vehicular pursuit. Vote 16-0.

**HB 1405**, exempting 50/50 raffles from the laws regulating games of chance. **OUGHT TO PASS**  
Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 1405 defines a 50/50 raffle conducted by a charitable organization and exempts those 50/50 raffles from the licensing requirements of RSA 647, the chapter relative to games of chance. As it stands now, every time you run a 50/50 raffle, you need to get a license from your police department. We felt that this was not necessary for 50/50 raffles. Vote 14-0.

**HB 1432**, prohibiting active law enforcement personnel from obtaining a license to sell confiscated or seized firearms and ammunition. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 1432 was introduced because of a problem in one community concerning the way that firearms were disposed of by the police department. The committee understands the concern of the sponsor but felt there was no need to pass this bill for two reasons. First, we did not feel that it was proper to deny a law enforcement officer the right to have a license to sell pistols or revolvers. Lastly, RSA 595-A:6 delineates how property seized by a search warrant is disposed of and RSA 471-C:13 addresses the disposal of other property in the hands of the police. Vote 13-0.

**HB 1544-FN**, prohibiting the wearing of certain masks and hoods. **INEXPEDIENT TO LEGISLATE**

Rep. James M. Johnson for Criminal Justice and Public Safety: HB1544-FN prohibits the wearing of certain masks and hoods. It became obvious the reason for this bill was the public gathering of the Ku Klux Klan in the Town of Washington. Gatherings of this type usually require a permit for the use of public property and while the activities of the Ku Klux Klan are generally racial in nature being principally anti black and have been known to promote anti-Semitism, those activities are protected under the Constitution to a certain degree. The most difficult task of government is the protection of one's civil rights. How can we protect our democratic institutions against those who invoke civil liberties in order to destroy liberty, without at the same time stifling the freedom of discussion? All dictatorships abhor and proscribe civil liberties. Their leaders solemnly pronounce final judgment on all questions and proclaim the "truth" which all must accept without question. A democratic society cannot crush criticism and freedom of discussion without ceasing to be democracy. The committee unanimously agrees with the sentiments of the sponsor, but after consultation with a representative of the Attorney General's office, the committee feels that this measure is too restrictive and could be found to be unconstitutional. The committee also feels that the sponsor could accomplish the desired result with the use of a house resolution condemning the activities of the Ku Klux Klan in the State of New Hampshire. Vote 14-0.



**HB 1570-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. **OUGHT TO PASS**  
Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: This bill makes it a class B felony for an offender on probation or parole in another state to remain in New Hampshire after our department of corrections determines the offender is a danger to public safety and does not approve taking over the supervision of that offender. Currently offenders from other states who are still on probation or parole may try to move to New Hampshire. Under the Interstate Compact, the offender may reside here while on probation or parole in another state if the person is a resident here or has family residing here and can obtain employment. Otherwise the offender must receive permission from the state of New Hampshire in order to reside here. If the offender can stay in New Hampshire, our probation and parole officers will have to take over the state supervision of that offender. There are instances when our department of corrections does not give approval for an offender to remain in New Hampshire, often for public safety reasons. In those instances, the offender must return to the sending state. In many cases, this does not happen. In addition, the sending states do not take responsibility for taking back their offenders. This bill makes it a class B felony if an offender does not leave this state within 7 days after notification. This creates a tool to deter out of state offenders on probation and parole from remaining here without permission from the state. Vote 11-5.

**HB 1157**, establishing a committee to study incentives to attract individuals to the teaching profession. **INEXPEDIENT TO LEGISLATE**  
Rep. Susan B. Durham for Education: This bill, though well intended, is now unnecessary. Early in February the Professional Standards Board of the Department of Education assembled a task force to review the many issues around educator (both teacher and administrator) scarcities. The findings and recommendations of the task force will cover a broad range of related topics and will include addressing possible incentives to attract individuals to teaching. The entire report will be presented to the State Board of Education and the House Education Committee will carefully watch this important issue. Vote 13-0.

**HB 1191-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas. **OUGHT TO PASS WITH AMENDMENT**  
Rep. John R. Alger for Education: This bill resolves confusion now existing when a charter school is approved within a regional area agreement and cooperative school district. The bill requires the area review board to approve an amendment to any such area agreement if a charter school is proposed. The amendment clarifies the bill by identifying when a plan must be prepared for approval. Vote 12-1.

#### **Amendment (3523h)**

Amend the introductory paragraph of RSA 195-A:3, V as inserted by section 2 of the bill by replacing it with the following:

V. An area school planning board may recommend that there be established an authorized regional enrollment area plan for elementary or secondary schools, or both, or any other reasonable combination of grades, composed of all the school districts represented by its membership or any specified combination thereof. ~~[The]~~ *At the time such recommendation is made, the* planning board shall prepare a written plan for the proposed regional enrollment area, which shall be signed by at least a majority of the membership of such board, which shall set forth the following:  
Amend RSA 195-A:16 as inserted by section 3 of the bill by replacing it with the following:

195-A:16 Modification. Parties to any authorized regional area agreement may, either at the time of the original agreement, or at any subsequent modification of the agreement, specify that the agreement shall cover less than 100 percent of the student population of the sending district. *In the event that a charter school is approved within a sending or receiving district, after final approval by the state board, an area review board shall be convened pursuant to RSA 195-A:14 solely for the purpose of considering an amendment to the area agreement relative to the adoption of the charter school provisions under RSA 194-B. Any such amendment shall be consistent with the provisions of RSA 195-A:3, V(p). An area plan amended under this section shall be submitted to the state board for approval no later than December 1 of the year of amendment.*

## AMENDED ANALYSIS

This bill provides for the amendment of the terms of an authorized regional enrollment area agreement in the event one or more such districts adopt the provisions of the charter school and open enrollment law, or approves a charter school within the cooperative school district or authorized regional enrollment area.

**CACR 36**, relating to voting rights of homeowners. Providing that every person shall be considered an inhabitant for the purposes of voting relating to the raising of money in any town, ward, or unincorporated place where the person has his or her domicile or owns a residence. **INEXPEDIENT TO LEGISLATE**

Rep. Christine M. Konys for Election Law: Although this legislation is a well-intentioned effort to provide for local representation, the committee questioned the constitutionality of allowing an individual to register and vote in more than one ward, town, or unincorporated place. Vote 15-0.

**HB 1291**, relative to the names of candidates on ballots. **INEXPEDIENT TO LEGISLATE**

Rep. Francis W. Davis for Election Law: This bill would have allowed candidates to designate a nickname on the ballot that had no connection to their legal name, if the nickname was commonly known. The committee felt that it would be impossible for the office of the secretary of state to verify whether or not the nickname was commonly known. Without guidelines, this bill might open the door to a wide variety of nicknames and slogans. Candidates already have the option of using a combination of first and middle initials and names, as well as nicknames that are commonly related to the candidate's given name. The committee voted unanimously to support the current procedure. Vote 15-0.

**HB 1172**, providing staggered terms for agricultural advisory board members. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth R. Marshall for Environment and Agriculture: This bill was a request of the Department of Agriculture, Markets & Food. The amendment simply outlines a system of appointments that will work instead of a questionable system in the original bill. Vote 14-0.

## Amendment (3399h)

Amend the bill by replacing all after the enacting clause with the following:

1 Agricultural Advisory Board; Term of Office. Amend RSA 425:22, II to read as follows:

II. The term of office of members of the board shall be 5 years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term only. *However, beginning July 1, 2001, the terms of 2 members representing agriculture as provided in subparagraph I(a) and one member representing the industry interests as provided in subparagraphs I(b) – (f) shall expire each year. Initial terms for members representing agriculture shall expire in the year as follows: Belknap and Sullivan counties, 2002; Carroll and Strafford counties, 2003; Cheshire and Rockingham counties, 2004; Coos and Merrimack counties, 2005; and Grafton and Hillsborough counties, 2006. Initial terms for members representing industry interests shall expire in the year as follows: petroleum, 2002; food retailing, 2003; advertising, 2004; food distribution, 2005; and consumer, 2006.* No board member shall be eligible for successive reappointment *after 2004*. Appointments to the board shall be made by the governor with the advice and consent of the council on the basis of extensive experience and demonstrated ability and on a nonpartisan basis.

2 Reappointment of Board Members Serving as of the Effective Date of this Act. Members of the board serving as of the effective date of this act may be considered for reappointment for terms ending within 3 years of such date.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill provides staggered terms for agricultural advisory board members, and specifies the order in which each board member's term expires.

This bill was requested by the department of agriculture, markets, and food.

**HB 1185**, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000. **OUGHT TO PASS**

Rep. John S. Cobb for Environment and Agriculture: This bill extends the time limit to November 1, 2000 for a Joint House and Senate Committee to continue their study on mercury source reduction. Vote 15-0.

**HB 1404**, creating a study committee to address mechanisms for the disposal of state records. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Murphy for Executive Departments and Administration: Evidence presented at the hearing convinced this committee that a mechanism to assist the agencies in surveying their records to determine the proper disposal to assure the preservation of historically important material is not destroyed with the trash. Vote 17-0.

#### **Amendment (3396h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** creating a study committee to address mechanisms for the preservation or disposal of state records.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study mechanisms for the preservation or disposal of state records under certain criteria.

Amend the bill by replacing sections 3 and 4 with the following:

3 Duties. The committee's duties shall include, but not be limited to, examining the current methods for preserving or disposing of state records, and discussing the creation of new mechanisms for preservation or disposal of such records under certain criteria. Upon request, all state agencies shall assist and cooperate with the work of the study committee.

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill creates a study committee to address mechanisms for the preservation or disposal of state records.

**HB 1113**, raising the maximum price for lucky 7 tickets. **OUGHT TO PASS**

Rep. Jean R. Wallin for Finance: This bill simply raises the amount that can be charged for Lucky 7 tickets from \$.50 to \$1.00. The increase of the limit that has existed since 1983 allows a wider range of prices for the charity selling the tickets. The odds of winning remain the same. State revenue will be unaffected or slightly increased because the state tax is levied on the "deal" or packets of tickets purchased for sale. Vote 18-3.

**HB 1180-FN**, relative to separating the budget for New Hampshire public television from the university system of New Hampshire budget. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: The legislature in chapter laws of 1998, Chapter 115, gave the university line management of its biennial budget, including New Hampshire public television, for years 2000/01 on a trial basis to expedite the university's budgeting process. This bill would set aside the process on July 1, 2000. Speaking in opposition was the president of the university, a member of the university trustees and station director. They pointed out the following: The possibility of jeopardizing federal funding because fiduciary responsibility for the station rests with university trustees. Over 30 non-profit universities have working alliances with public television stations, a method favored for strict control over public funds by the federal government. Further, federal dollars are increased as state dollars are appropriated to a joint university, television station, operation. The proposal would menace the shared management and administrative system now in place. After listening to the testimony and due deliberation the committee found this bill Inexpedient to Legislate. Vote 21-2.

**HB 1247-FN-L**, increasing the tax rate assessed on excavated earth. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Finance: For several years the complex issue of taxing earth in the ground was debated by the Legislature. Appraisal methods were highly speculative and difficult for mu-



nicipalities to use. Finally the Legislature enacted HB 666 in the spring of 1999. This bipartisan legislation provides a reasonable, proportionate and uniform method for determining the value of earth and the excavated area from which it came. The department of revenue administration gravel tax appraiser reports that local officials and taxpayers find the current law easier to implement than earlier versions. As a result, hundreds of acres of excavated land have been removed from current use; hundreds of acres have been reclaimed; local tax revenues have increased; and collection of pertinent data has improved. The committee feels it is premature to change the law after less than a biennium. Vote 23-0.

**HB 1261-FN-A-L**, replacing the excavation tax and excavation activity tax with an excavation yield tax. INEXPEDIENT TO LEGISLATE

Rep. Jean R. Wallin for Finance: The committee reiterates that no changes should be made to the excavation and excavation activity tax at this time. Vote 21-2.

**HB 1282**, establishing a committee to study the possibility of self-insuring state employees. OUGHT TO PASS

Rep. Susan W. Almy for Finance: Through self-insurance the city of Keene and towns of Bedford, Windham and Peterborough have achieved substantial savings while maintaining or improving health insurance for their employees. The study committee will assemble the materials necessary to allow the legislature to decide whether and how this method can be applied to the state. Vote 22-0.

**HB 1321**, relative to certain funds collected by order of the public utilities commission. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: This bill authorizes the state treasurer to maintain funds collected pursuant to electric restructuring orders. The amendment narrows that authority to those funds directly attributable to programs for low income customers, as described in RSA 374-F:4 VIII (c). The amendment is supported by the Governor's Office of Energy, the State Treasurer's Office and the Public Utilities Commission. There is no fiscal impact associated with the implementation of this legislation. Vote 22-0.

#### Amendment (3494h)

Amend RSA 6:12-b as inserted by section 2 of the bill by replacing it with the following:

6:12-b Maintenance of Funds Collected Pursuant to Electric Utility Restructuring Orders. On request of the public utilities commission, the state treasurer shall maintain custody over funds collected by order of the public utilities commission consisting of only that portion of the system benefits charge directly attributable to programs for low income customers as described in RSA 374-F:4, VIII(c). All funds received by the state treasurer pursuant to this section shall be kept separate from any other funds and shall be administered in accordance with terms and conditions established by the public utilities commission.

**HB 1352**, requiring that state funding for public television be used exclusively for the production of original programming. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Finance: Although the committee may share the sponsor's intent to increase local programming, it also recognizes the fact that this bill could limit other in-state services which the station provides. Testimony indicated that NHPTV is currently fulfilling its mission and that micro-managing its budget would neither enhance nor expand that mission at this time. Vote 24-0.

**HB 1356-FN**, relative to sales tax exemption certificates for antique dealers. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Finance: This bill singles out one particular group, antiques dealers, to receive a certificate exempting them from out-of-state sales taxes. The committee was informed that there are other ways to accomplish this goal, either through a formal exemption or through some other informal arrangement between the buyer and the seller. Additionally, no one from the public appeared to testify in favor of the legislation. Vote 23-1.

**HB 1436-FN-A**, reducing the temporary rate of the communications services tax. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: Appearing before the Finance Committee, the bill's sponsor withdrew the bill but continued with discussion of its merits. The Department of Revenue Admin-



istration indicated state revenues will decrease by \$9.6 million in FY 2001 using official estimates for the communications tax, re-computing the tax at the 4.5 percent rate stated in the bill. In light of the withdrawal by the sponsor and decreases in state revenues, the Finance Committee voted Inexpedient to Legislate. Vote 23-1.

**HB 1440-FN-A**, taxing the cost of advertising under the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Bruce F. Hunter for Finance: This bill proposes to tax an area that was never taxed before. Testimony revealed that a tax on advertising was imposed and then repealed in the states of Florida, Iowa, and Arizona, due to economic consequences. Thirty-nine state legislatures have considered and rejected such a tax. A major drawback could be the ease with which the tax could be evaded. One loophole in the bill exempts newspapers that are not daily. This could cause a shift of ad revenues to weeklies. The penetration of our market by out-of-state radio and TV stations could increase if they can offer advertising without the tax. Even if the tax were collected from the New Hampshire business ordering the out-of-state ad it might be hard to keep track of all the out-of-state radio and TV. With all the above problems the committee did not support the concept. Vote 24-0.

**HB 1442-FN-A**, increasing the exemption to the interest and dividends tax for persons 65 years of age or older. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Finance: Because the legislature has already voted to increase the interest and dividend exemption the sponsor agreed that the bill is unnecessary at this time. Vote 24-0.

**HB 1446-FN**, establishing a citizens' investment trust account. **INEXPEDIENT TO LEGISLATE**

Rep. Norman L. Major for Finance: This bill establishes a citizens' investment trust account, into which state government surpluses shall be deposited, to provide an annuity pension fund for the taxpayers of this state. A board of volunteers consisting of actuaries, certified public accountants, and certified financial planners shall manage the fund. The fiscal impact of this bill could not be determined because the definition of surplus to fund the trust fund established in this bill is left to the discretion of the Board of Trustees. It is not possible to determine at this time what the Board's definition of surplus funds will be and, therefore, the amount of the surplus to apply to the trust fund.

The sponsor indicated all funds (restricted and unrestricted) would be included in the citizens' trust account. This would include such funds as: Rainy Day, Health Care Transition, Department of Employment Security, Retirement Surplus, Lapses, Turnpike, Highway, Fish & Game, Sweepstakes, etc. At this time, the committee felt this legislation is not required. Instead the committee felt Legislator members and the public could benefit by a review of the purpose of these funds and how they are administered. A series of informational sessions conducted by the Legislative Budget Office would be helpful. Vote 24-0.

**HB 1472-FN-A**, allowing the deduction of trust expenses from trust income taxable under the interest and dividends tax. **REFER FOR INTERIM STUDY**

Rep. Linda T. Foster for Finance: The committee discovered that ambiguity exists in the RSAs regarding the deduction of trust expenses as they relate to in-state and out-of-state trusts. Interim Study will allow a full examination and clarification of this issue. Vote 24-0.

**HB 1473-FN**, relative to the payment of certain costs to contract service providers or vendors for pending claims by the department of health and human services. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: The issue addressed by this bill is the periodic problem of timely payments by the Department of Health and Human Services (HHS) to contracted health care service providers or vendors. The bill would have HHS pay for the cost of borrowing by these service providers and vendors in anticipation of receipt of payment by HHS. Testimony indicated that several issues were involved, including improper invoicing by service providers and vendors, adequate payment budgets, and systems concerns at HHS. While not widespread, problems of prompt payments by HHS continue to occur, and the committee believes they should be studied through the flexibility of an ad hoc Finance subcommittee that will allow for input from all concerned parties. HHS is in agreement with this approach which should generate both immediate and longer-term payment process improvements, so the bill was voted Inexpedient to Legislate. Vote 23-1.

**HB 1490-L**, relative to enabling municipalities to enact a sales tax. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: The sponsor asked that this bill be withdrawn, hence the Inexpedient to Legislate motion. Vote 24-0.

**HB 1491-FN**, granting an adjustment to the business enterprise tax paid by transportation companies that contract for the transportation of public school pupils. **INEXPEDIENT TO LEGISLATE**  
Rep. Charles L. Vaughn for Finance: This bill grants an adjustment to the enterprise value tax base of transportation companies that contract with municipalities, municipal boards, or school board authorities for the transportation of public school pupils. The Department of Revenue Administration indicates this bill will decrease state general fund revenue by \$129,000 in FY 2001 and each year thereafter and will decrease education trust fund revenue by \$129,000 in FY 2001 and each year thereafter. The Department indicates state general fund expenditures will increase by \$5,000 in FY 2001.

The business enterprise tax being paid by transportation companies for transporting public school pupils is actually being passed through to property taxpayers that pay for the cost of education. The sponsor indicates transportation expenses could be reduced, therefore reducing the requirement on the general fund for money from the state. The committee noted there was no guarantee these savings would be passed on to the taxpayers. It would be difficult for some of the transportation companies to separate expenses if they are involved in other businesses. It would not be fair to single out transportation companies for this benefit. There are other contracted school services such as: food service, maintenance, computers, etc., therefore the committee is opposed to this tax exemption. Vote 24-0.

**HB 1515-FN-A-L**, increasing the rate of the meals and rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Norman L. Major for Finance: The Department of Revenue Administration indicates increasing the meals and room tax from 8% to 10%, assuming tourism is not affected, would increase state general fund by \$39.25 million and state restricted revenues by \$2.5 million in FY2001 and each year thereafter. Maine imposes a tax at the rate of 7%, Vermont at a rate of 9% and Massachusetts has a meal tax of 5%. Mass. had to reduce their meals tax to 5% because their industry was hurting. New Hampshire would have the highest rate in the region at 10%. The committee felt the state has done much to encourage and promote the tourism industry and this is not the time to jeopardize the associated revenues (from gas tax, sweeps sales, liquor and tobacco sales, horse & dog racing, etc.) brought in by this industry. Vote 23-1.

**HB 1580-FN-A-L**, allowing businesses to apply the investment tax credit to contributions made to public schools, charter schools, and scholarship funding organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Finance: The mission of the Community Development Investment Program is support of housing and economic development that benefits low and moderate income citizens. Furthermore the CDFA is discouraged from funding projects that should be a public responsibility. This legislation would add charter schools to the already long list of requests for which there is no money. While charter schools are a laudable goal, this bill, if enacted, would hold out a false promise of financial aid. The committee recommends that it be killed and a better method for funding charter schools be found. Vote 21-3.

**HB 1593-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected and establishing the local option of a 4 percent rooms tax. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This bill as amended by the sponsor removes Section 1 of the bill thus permitting operators to still retain 3 percent of meals and rooms tax collected. Section 2 allows local communities an option to adopt an additional 4 percent rooms tax dedicated to pay local education costs. The current rooms and meals tax collected at 8 percent would be commingled with the 4 percent optional tax causing the Department of Revenue Administration, as the sponsor testified, "to do a little extra work." State expenditures would increase by \$121,600, including one-time costs of \$84,000 for re-programming the telefile system to accommodate the local option provisions of the bill, and \$37,000 for personnel.

The Municipal Association and other trade organizations opposed changing the distribution at this time because many small communities would not see the kind of revenues large communities with hotels and motels would see. Also group conventions, of several days or more, will shop around for communities without the tax. Finally, all but nine communities in the state have two separate budgets, school and municipal. An optional rooms tax for education could further divide communities over municipal services or school expenditures. Although the sponsor is to be commended for seeking solutions to education funding problems, this fragmented local taxing method is not the answer. The bill will increase local revenue by an indeterminate amount in FY 2001 and each year thereafter. The committee voted Inexpedient to Legislate. Vote 24-0.

**HB 1319**, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study. **OUGHT TO PASS**  
Rep. Janceen A. Dalrymple for Health, Human Services and Elderly Affairs: Negotiated risk agreements are a complex issue that will impact rules associated with the various alternate living settings for disabled and elderly individuals. Specific details include legal rights, health and safety concerns and laws governing the protection of vulnerable adults from abuse. Also, neglect, exploitation and ability of facilities to provide adequate and safe supervised treatment and services should entail careful consideration. The Department of Health and Human Services agrees existing rules need revision for the implementation of SB 409, the long-term care plan. Therefore, this bill would extend the reporting period to allow the department the necessary time to complete the task of rules revision. Vote 15-0.

**HB 1104**, limiting the liability of paramedics caring for patients in transport between hospitals. **INEXPEDIENT TO LEGISLATE**  
Rep. Sandra B. Keans for Judiciary: The sponsor of this legislation has spoken with others in the emergency services and has agreed to this bill being reported inexpedient to legislate. Paramedics in fact work under the supervision of a doctor and therefore should not be thought of as independent providers under the New Hampshire Laws. Vote 16-0.

**HB 1139**, establishing a committee to study involuntary emergency admission hearings. **OUGHT TO PASS**  
Rep. Bette R. Lasky for Judiciary: HB 1139 establishes a committee to study involuntary emergency hearings. Currently problems exist with the decision and how it is made at the initial hearing. Now 3 days after an involuntary commitment to the state hospital, a hearing is held to decide whether the person remains in the hospital for further treatment. Oftentimes a family member, usually without support, must testify against the individual in front of the judge. Some judges are knowledgeable about mental illness and can understand the need for further treatment while others obviously may not see that need and release the person who may become even more angry and uncontrollable with that result. The Judiciary committee felt it worthwhile to establish a study committee to deal with this particular problem and others with the involuntary emergency admission procedure. Vote 14-0.

**HB 1171**, restricting the payment of salaries to suspended judicial officers. **OUGHT TO PASS**  
Rep. Robert H. Rowe for Judiciary: Currently when a judge has had a complaint brought against him or her, has had a full hearing, been found chargeable, and then suspended from the bench, the judge's salary may continue through the period of the suspension. This bill eliminates the judge's salary during the term of the suspension unless the supreme court decides otherwise for good cause. Vote 10-3.

**HB 1239**, relative to durable powers of attorney. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Cynthia J. Dokmo for Judiciary: This bill was prompted by the rise of misuse and abuse of durable powers of attorney by agents. It requires two notices to be included in a durable power of attorney: (1) notice to the principal which sets forth in layman's language the intent and extent of the grant of power under the document, and (2) notice to the agent which outlines the intent and extent of the document and also informs the agent of his or her fiduciary duty and the possible consequences of violating that duty. Additionally, the bill provides that a durable power of attorney must specifically authorize gifts to be made by an agent, in order to permit an agent to make such gifts. All durable powers of attorney validly executed prior to the effective date of this legislation shall not be rendered ineffective by this bill. Vote 16-0.



**Amendment (3560h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Prevention of Frauds and Perjuries; Powers of Attorney, Disability or Incompetence of Principal; Gifts; Durable Power of Attorney Document; Notification. Amend RSA 506:6 by inserting after paragraph IV the following new paragraphs:

V. An attorney in fact is not authorized to make gifts to the attorney in fact or to others unless the durable power of attorney explicitly authorizes such gifts.

VI. A durable power of attorney under this section shall contain the following language:

"Notice to the Principal: As the 'Principal,' you are using this Durable Power of attorney to grant power to another person (called the 'Agent' or 'Attorney in Fact') to make decisions, including, but not limited to, decisions concerning your money, property, or both, and to use your money, property, or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give to your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property, and to spend your money without advance notice to you or approval by you. Under this document, your agent will continue to have these powers after you become incapacitated, and unless otherwise indicated your Agent will have these powers before you become incapacitated. You have the right to revoke or take back this Durable Power of Attorney at any time, so long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should seek professional advice.

"Notice to the Agent: As the 'Agent' or 'Attorney in Fact,' you are given power under this Durable Power of Attorney to make decisions about money, property, or both belonging to the Principal, and to spend the Principal's money, property, or both on the Principal's behalf, in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. When acting in the capacity of Agent, you are under a duty (called a 'fiduciary duty') to observe the standards observed by a prudent person, which means the use of those powers that is reasonable in view of the interests of the Principal and in view of the way in which a person of ordinary judgment would act in carrying out that person's own affairs. If the exercise of your acts is called into question, the burden will be upon you to prove that you acted under the standards of a fiduciary. As the Agent, you are not entitled to use the money or property for your own benefit or to make gifts to yourself or others unless the Durable Power of Attorney specifically gives you the authority to do so. As the Agent, your authority under this Durable Power of Attorney will end when the Principal dies and you will not have authority to manage or dispose of any property or administer the estate unless you are authorized to do so by a New Hampshire Probate Court. If you violate your fiduciary duty under this Durable Power of Attorney, you may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney, or your duties under it, that you do not understand, you should seek professional advice."

The language required by this paragraph shall not confer any powers to the agent that are not otherwise contained in the durable power of attorney.

VII. Nothing in paragraph V-IX of this section shall render ineffective a durable power of attorney validly executed under New Hampshire law prior to the effective date of paragraphs V-IX of this section.

VIII. A durable power of attorney validly executed under the laws of another state or foreign jurisdiction shall be deemed valid under New Hampshire law. Foreign powers of attorney shall be subject to the provisions of RSA 506:7.

IX. A person who seeks to validate or interpret the powers under a durable power of attorney which does not comply with paragraph VI of this section may petition the courts under RSA 506:7.

2 Powers of Attorney; Limitations on the Agent. Amend RSA 506:7, IV to read as follows:

IV.(a) The court may hold hearings, make orders and decrees, and take other actions necessary or proper to make determinations on matters presented by a petition filed under paragraph III and RSA 506:6, IX.

(b) When a gift or transfer made by an agent is challenged in a petition filed under paragraph III of this section or RSA 506:6, IX, the gift or transfer shall be presumed to be lawful if the durable power of attorney is drafted in accordance with RSA 505:6, VI and explicitly authorizes such gifts or transfers. However, if the petitioner establishes that the agent made a transfer for less than adequate consideration, and the transfer is not explicitly authorized by a durable power of



attorney drafted in accordance with RSA 506:6, VI the agent shall be required to prove by a preponderance of evidence that the transfer was authorized and not as a result of undue influence, fraud, or misrepresentation.

3 Effective Date. This act shall take effect January 1, 2001.

**HB 1328**, requiring that the rules of evidence shall apply in divorce proceedings. INEXPEDIENT TO LEGISLATE

Rep. James W. Craig for Judiciary: This bill would require the rules of evidence to apply to all divorce proceedings. The committee believes that this could be a benefit to litigants but not in the form presented in this bill. There are parts of a divorce proceeding where it would be expensive and otherwise burdensome to parties to have the rules apply, especially for pro se parties. There are other parts of divorce proceedings where the committee felt that the rules should apply. This bill does not address these concerns and has the potential to cause more harm than benefit. It was the general feeling of the committee that perhaps the entire "divorce statutes" should be scrutinized in the future. Vote 13-1.

**HB 1551-FN**, relative to legislative access to agency information. INEXPEDIENT TO LEGISLATE

Rep. James W. Craig for Judiciary: This bill would require "any state agency, or board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire" to provide any state legislator full access to records or information which it may possess for use as legislative research in any legislative proceeding, hearing or discussion. Any person failing to provide such requested information would be guilty of a misdemeanor. The committee felt that the right-to-know law already addresses these issues and that this bill would allow legislators to abuse the present statute. Further, all of the confidentiality protections provided in that statute, and any other court order are waived, when a request is made by a legislator. Further, in addition to a violation of this bill being a misdemeanor, the information would cause the state employee to be suspended from state employment for a period of time "to be determined jointly by the speaker of the house, the senate president and the governor". The committee recognizes that the citizens of the state sometimes have problems acquiring permissible information from state agencies and is willing to take steps to address the problem in the future, if deemed necessary. However, this was not the appropriate vehicle to do so. Vote 12-0.

**HB 1182**, relative to eligibility for unemployment benefits for school employees. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill would have repealed RSA 282-A:31,II, (a) & (b) relative to eligibility of employees of an educational institution to receive unemployment compensation benefits. Hearing no compelling testimony in favor of the bill, the majority of the committee voted ITL. Vote 16-0.

**HB 1187-FN-L**, allowing the public employee labor relations board to decertify a bargaining unit. INEXPEDIENT TO LEGISLATE

Rep. Gary P. Torressen for Labor, Industrial and Rehabilitative Services: After reviewing the policy regarding the decertification of a bargaining unit by the public employee labor relations board, the committee believes that the current policy is working. The current policy allows the employees to petition the board to decertify. The reason the bill was presented was because some bargaining units have fallen below the required ten (10) members. The committee felt that it is the bargaining unit member's right to petition for decertification and not the employer. The committee vote was ITL. Vote 16-0.

**HB 1326**, relative to managed care programs under workers' compensation. OUGHT TO PASS

Rep. Robert H. Turner for Labor, Industrial and Rehabilitative Services: This bill requires a managed care program under workers' compensation to maintain a business office in New Hampshire and to have a sufficient number of resident injury management facilitators. The Workers' Compensation Advisory Council and the Department of Labor both are in support of this bill. This bill follows the same requirement of all other insurance carriers providing insurance to businesses in the State of New Hampshire. Therefore, the committee voted OTP. Vote 14-2.

**HB 1582**, establishing a committee to study family friendly employment and workplace policies and to determine effects on families and employers. OUGHT TO PASS WITH AMENDMENT

Rep. G. Michael Gilman for Labor, Industrial and Rehabilitative Services: This bill in its original form was felt to be too broad in areas to be examined. After much consultation and "in recognition of the intent and merit of HB 1582", it was amended. The amendment's focus of study is in two areas: workplace policy and family resources. The committee was unanimous in its' support for what is genuinely a bi-partisan issue. Therefore, the committee voted OTP/A. Vote 16-0.

### **Amendment (3580h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study the workplace policies and practices in small businesses of 50 or fewer employees that enable employees to balance work responsibilities with family commitments.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties.

I. The committee shall:

(a) Examining employment and workplace policies of small businesses which enable employees to balance work responsibilities with family commitments. These may include:

(1) Assistance with dependent care of family members including resource and referral, reimbursement, or vouchers and/or assistance with child care for employees coming off welfare.

(2) Workplace policies such as flexible schedules, job-sharing, cafeteria benefit plans, and use of sick leave to care for family members with extended illnesses, and leave banks.

(b) Examine possible incentives that could be initiated by the state to encourage the successful New Hampshire small business policies which have been identified as effective.

(c) Examine possible changes to statutes or rules which would allow for greater flexibility on the part of small businesses to accommodate the changing needs of employees and their families.

II. The committee shall solicit input from, but shall not be limited to, representatives of the following:

- (a) Employers.
- (b) Employees.
- (c) State agencies.
- (d) Interested councils and organizations.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

### **AMENDED ANALYSIS**

This bill establishes a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

**HB 1120-L**, relative to the definition of net assets in the elderly exemption to property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill would have provided that retirement savings held in individual retirement accounts or other qualified pension plans would not be considered an asset when calculating eligibility for the elderly exemption. In addition to the difficulty that local officials would have in determining what constituted an "other qualified pension plan," the Committee was unable to understand why this particular form of retirement savings should be excluded while other forms of savings and/or investments would be included as part of an individual's assets. Vote 17-1.

**HB 1194**, relative to the composition of planning boards in certain cities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ralph L. Akins for Municipal and County Government: This bill changes the composition of planning boards in cities with a city council-city manager form of government by eliminating the inclusion of an administrative official and increasing the number of non-ex officio members from 6 to 7. The Committee amendment allows this change to be optional. City administrative officials work directly with the applicant reviewing and preparing submittals to the planning board for their review and they may still attend the meetings when they decide it's necessary. Therefore it is not necessary to require them to become a regular member of the board. Vote 12-3.

#### **Amendment (3257h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Planning Boards; Composition in Cities. Amend RSA 673:2, I and 1-a to read as follows:

I.(a) In cities, the planning board shall consist of 9 members:

~~[(a)]~~ (1) The mayor of the city, or with the approval of the local legislative body the mayor's designee, who shall be an ex officio member;

~~[(b)]~~ (2) An administrative official of the city selected by the mayor, who shall be an ex officio member;

~~[(c)]~~ (3) A member of the city council selected by the council, who shall be an ex officio member; and

~~[(d)]~~ (4) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.

*(b) Alternatively, the local legislative body in a city with a city council-city manager form of government may establish a planning board with membership as provided in paragraph 1-a.*

*1-a. In cities with a city council-city manager form of government, the planning board may consist of the following 9 members:*

*(a) The city manager, or with the approval of the local legislative body the city manager's designee, who shall be an ex officio member;*

*(b) A member of the city council selected by the council, who shall be an ex officio member; and*

*(c) Seven persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.*

*1-b. In towns which operate under the town council form of government, the planning board shall consist of 7 or 9 members, as determined by the local legislative body or by the municipal charter. If the planning board shall consist of 9 members, the members shall be the persons listed in paragraph 1. If the planning board shall consist of 7 members, the members shall be as follows:*

*(a) A member of the town council or administrative official of the town selected by the town council, who shall be an ex officio member; and*

*(b) Six persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### **AMENDED ANALYSIS**

This bill allows a city with a city council-city manager form of government to establish a planning board composed of the city manager or designee, a member of the city council, and 7 appointed persons.

**HB 1453**, relative to the grant of power over applications before a planning board. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: This bill seeks to eliminate any possibility of a subjective interpretation of a zoning ordinance or subjective interpretation of an application to any local zoning board or planning official. The Committee felt that this bill is not an improvement over current law. It fails to set out clear and enforceable standards for limiting local authority and distinguishing between impermissible "subjective" interpretations and permissible "objective" interpretations. What may appear "subjective" to one person is "objective" to another. Finally, this bill may unintentionally remove some of the authority which local officials currently have and which is necessary to enable them to properly do their jobs. Vote 16-2.



**HB 1541-FN-L**, relative to the cremation of deceased persons. **OUGHT TO PASS**

Rep. Anthony F. Simon for Municipal and County Government: This bill adds cremation to the existing statute, which provides for the burial of persons on public assistance. It also deletes the word "casket" from the statute which requires that a body scheduled to be cremated be transported "in suitable solid container made for such purpose." The testimony was that some funeral directors have been reluctant to cremate deceased indigent persons without specific statutory authority. The Committee believes that this bill provides important flexibility in this regard to local officials who are responsible for disposing of the remains of deceased persons who have been on public assistance. Vote 16-2.

**HJR 20**, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: Thousands of people with hemophilia, a blood-clotting disorder, were infected with the HIV virus when they purchased contaminated blood products years ago. This occurred even after the Institute of Medicine was made aware that the blood product was contaminated. Congress passed the Ricky Ray Hemophilia Relief Fund Act in 1998, and the bill was signed into law by the President. Fully funding this bill would provide financial relief to the families of hemophiliacs who were devastated by the failure of the federal government's policy also in its handling of the AIDS epidemic. Many of these families have suffered the loss of multiple members. Vote 12-0.

**HB 1279**, relative to the applicability of school bus safety laws. **REFER FOR INTERIM STUDY**

Rep. Robert J. Letourneau for Transportation: The sponsor who is concerned with the use of safety equipment by school bus operators brought this bill forward with good intent. During the public hearing the committee received a 1999 inspection report from the Department of Safety that indicated that the school bus safety record is excellent at 96.4%. However, the issue here may be with non-complying buses that are used by some schools. The committee felt that we could use an extended time to look at these issues. The sponsor is aware of our action and is in support. Vote 15-0.

**HB 1617-FN**, relative to suspension of a driver's license for sufficient cause. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sherman A. Packard for Transportation: This bill was brought in following a Supreme Court decision overturning the decision by a lower court judge. This bill will clarify RSA 263:57 allowing a judge to suspend a license for the hazardous nature of driving, excessive speed, prior driving record, or prior history of compliance with court or administrative orders in motor vehicle cases. The committee felt that a judge should have the discretion of suspending a driver's license in the most egregious cases of violations. The committee also felt that this was necessary because of the increased cases of road rage and violent cases of aggressive driving. We must not abate the judges abilities to suspend a license in the cases they deem necessary. Vote 14-1.

**Amendment (3503h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Suspension for Sufficient Cause. Amend RSA 263:57, I to read as follows:

I. Any justice of a district or municipal court or of the superior court may suspend any license issued to any person, for a period not to exceed 30 days, after a conviction of an offense under the provisions of this title, after due hearing, for any cause which he *or she* may deem sufficient. *Sufficient cause for suspending any license issued to any person shall include, but not be limited to, the hazardous nature of the driving violation, the excessive nature of the speed, the driver's prior driving record, or the driver's prior history of compliance with court or administrative orders in motor vehicle cases.*

2 Effective Date. This act shall take effect upon its passage.

**SB 348**, extending the committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. **OUGHT TO PASS**

Rep. Peter R. Cote for Transportation: This bill would extend for one year the study committee concerning the establishment of a permit system for vessels registered in other states temporarily using New Hampshire waters. The study committee met last summer, and it became apparent that they would need an extended time to properly study this issue due to conflicting information re-



garding the number of out of state vessels and federal grant monies involved. The Department of Safety and the New Hampshire Lakes Association support this bill. Vote 15-0.

**SB 362**, relative to the length of buses and single unit vehicles. **OUGHT TO PASS**

Rep. Alfred C. Lerandeau for Transportation: This bill as written would increase the maximum length limits for buses and single unit vehicles driven on roads from 40 feet to 45 feet. The bill brings the state into compliance with the federal highway guidelines of 45 feet. Vote 14-1.

**SB 356**, extending the committee to study and identify or establish the duties of the fish and game commission. **OUGHT TO PASS**

Rep. Betsy McKinney for Wildlife and Marine Resources: The committee voted to extend this study for another year. The Fish and Game Commission received a federal grant last year to review their responsibilities and duties and are now working to put in print what the duties and job description of the Commissioner are and pending their results the study committee will be able to consider this information for future legislation. Vote 11-0.

## REGULAR CALENDAR

### MOTION TO SPECIAL ORDER

Rep. Pilliod moved that **HB 1271**, relative to participation by minors in certain athletic activities, be made a Special Order for Thursday, March 23, 2000 in the regular calendar order and spoke in favor.

Adopted by the necessary two-thirds.

## REGULAR CALENDAR (CONT'D.)

**HB 1603**, establishing a committee to study the ages at which persons under 21 years of age become subject to state laws. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill establishes a statutory committee to study the ages at which individuals less than 21 years of age become subject to various laws and procedures, criminal, motor vehicle, welfare, labor, etc. The committee was divided 7-6 on whether the statutory committee should be formed, what it could be expected to accomplish, and whether it could be completed in the allotted times; OTP failed. Because the expectations were so nebulous the ITL motion was made and accepted 9-4. Vote 9-4.

Adopted by the necessary two-thirds.

**HB 1204-FN**, relative to plant seeds that have artificially heightened resistance to herbicides and pesticides **INEXPEDIENT TO LEGISLATE**

Rep. Kathleen N. Taylor for Commerce: This bill would require the labeling of all foods containing ingredients derived from genetically altered seeds, which are sold in New Hampshire. There is currently no way to enforce this labeling on foods manufactured outside of New Hampshire. The sponsors' amendment relied on the passing of other state and federal legislation, and the committee felt that the marketplace is addressing this issue on its own. Vote 14-2.

Adopted by the necessary two-thirds.

**HB 1536-FN**, requiring parental notification for certain offenses involving minors. **INEXPEDIENT TO LEGISLATE**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee was very supportive of the concept of parental notification for certain offenses involving minors. However, we did not believe the notification should be mandatory as it raises 28-a questions. Therefore, we strongly recommended that our police departments notify the parents of minors by phone or mail of violations or misdemeanors. We recognize the importance of keeping the parents informed for the benefit of everyone involved; however, this should not be a mandate. Vote 9-4.

Adopted by the necessary two thirds.

### (Clerk's Note)

The Constitutionally required two-thirds of the membership was declared present.

**HB 1548-FN**, abolishing the death penalty. **WITHOUT RECOMMENDATION.**

Reps. Flora and Sargent moved Ought to Pass.

Reps. Knowles, Kennedy, Tholl, Young and Welch spoke against.

Reps. Flora, Sargent, Naida Kaen, DiFruscia and Loren Jean spoke in favor.  
 Rep. Burling requested a quorum count. The Speaker declared a quorum present.  
 Rep. Rowe spoke in favor.  
 Rep. Cecelia Kane requested a roll call; sufficiently seconded.  
 The question being the adoption of the Ought to Pass motion.

## YEAS 191 NAYS 163

### YEAS 191

#### BELKNAP

Boriso, Thomas  
 Wood, Jane

Millham, Alida

Pilliod, James

Salatiello, Thomas

#### CARROLL

Dickinson, Howard

### CHESHIRE

Batchelder, Robert  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara  
 Zerba, Roger

Burnham, Daniel  
 Lynott, Margaret  
 Mitchell, McKim  
 Riley, William

DePecol, Benjamin  
 Manning, Joseph  
 Pratt, Irene  
 Russell, Ronald

Doucette, Richard  
 McGuirk, Paul  
 Pratt, John  
 Smith, Edwin

### COOS

Gallus, John  
 Rodrigue, Robert

Horton, Lynn

Landers, Dana

Mears, Edgar

### GRAFTON

Akins, Ralph  
 Densmore, Jessica  
 Nordgren, Sharon

Almy, Susan  
 Dudley, Terri  
 Picconi, Al

Brothers, Richard  
 Eaton, Stephanie

Copenhaver, Marion  
 Guest, Robert

### HILLSBOROUGH

Ahern, Richard  
 Bergin, Peter  
 Craig, James  
 Drabinowicz, A Theresa  
 Ford, Nancy  
 Gorman, Mary  
 Herman, Keith  
 Jean, Loren  
 LaPorte, George  
 Lynde, Harold  
 McCarty, Winston  
 Milligan, Robert  
 Ouellette, Dean  
 Sarette, John  
 Vaillancourt, Steve

Arnold, Thomas Jr  
 Carlson, Donald  
 Daniels, Gary  
 Durham, Susan  
 Gagnon, Eugene  
 Haettenschwiller, Alphonse  
 Herman, Richard  
 Johnson, Lionel  
 LaRose, Richard  
 Martel, Andre  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 Peterson, Andrew  
 Sargent, Maxwell  
 White, Donald

Arthur, Rose  
 Chabot, Robert  
 Desrosiers, William  
 Dyer, Merton  
 Garrish, Linda  
 Hall, Betty  
 Hunter, Bruce  
 Keye, Harvey  
 Lasky, Bette  
 Martin, Mary Ellen  
 Mendenhall, Leslie  
 O'Connell, Timothy  
 Reidy, Frank  
 Tate, Joan  
 White, John

Baroody, Benjamin  
 Cote, David  
 Dokmo, Cynthia  
 Flora, Kathleen  
 Ginsburg, Ruth  
 Hansen, Herbert  
 Jean, Claudette  
 Konys, Christine  
 Leonard, Peter  
 McCarthy, William  
 Messier, Irene  
 O'Hearn, Jane  
 Rowe, Robert  
 Turgeon, Roland  
 Williams, Carol

### MERRIMACK

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Moore, Carol  
 Seldin, Gloria  
 Wallner, Mary Jane

Chase, George  
 Feuerstein, Martin  
 Gile, Mary  
 Owen, Derek  
 St Cyr, Gerard  
 Yeaton, Charles

Crosby, Toni  
 Fortnam, Janet  
 Hager, Elizabeth  
 Potter, Frances  
 Virtue, Carolyn

Daneault, Gabriel  
 Fraser, Marilyn  
 Jacobson, Alf  
 Rodd, Beth  
 Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis	Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret
Christie, Andrew Jr	Clark, Martha	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Gibbons, Paul	Gleason, John	Hutchinson, Rebecca	Kane, Cecelia
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	Langley, Jane
Lovejoy, Marian	Major, Norman	Norelli, Terie	O'Keefe, Patricia
O'Neil, Michael	Pitts, Jacqueline	Rubin, George	Ruffner, Walter
Sabella, Norma	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Vaughn, Charles	Weatherspoon, Jackie	Zolla, William

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	DeChane, Marlene
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Musler, George	Pelletier, Arthur	Rogers, Rose Marie
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

**NAYS 163****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith	Torresen, Gary		

**CHESHIRE**

Avery, Stephen	Hunt, John	Lerandeau, Alfred	Roberts, William
Rose, William	Royce, H Charles		

**COOS**

Davis, Perley	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

**GRAFTON**

Alger, John	Cobb, John	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Mirski, Paul
Phinney, William	Scanlan, David	Ward, Brien	Weber, Phil

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergeron, Lucien	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Christiansen, Lars	Clegg, Robert Jr
Cote, Peter	Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin
Desmarais, Vivian	Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James
Fields, Dennis	Fletcher, Richard	Foster, Linda	Franks, Suzan
Goley, Jeffrey	Goulet, Maurice	Holley, Sylvia	Kurk, Neal

Lefebvre, Roland  
McColgan, Philip Jr  
Mercer, Robert  
Pepino, Leo  
Wall, Nancy

Lessard, Rudy  
McDonald, James Sr  
Mosher, William  
Reeves, Sandra  
Withee, Dennis

Lozeau, Donnalee  
McGough, Tim  
Nolan-Piteri, Dawn  
Simon, Anthony

MacGillivray, Jeffrey  
Melcher, Harold  
Pappas, Marc  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis  
Whalley, Michael

Brewster, Richard  
Langer, Ray  
Marple, Richard  
Poulin, Dave  
Whittemore, James

Hess, David  
Lavoie, Gerard  
Marshall, Kenneth  
Rosenfield, Jay

Hoadley, Elizabeth  
Leber, William  
Maxfield, Roy  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Clark, Vivian  
Flanders, David  
Griffin, Mary  
Johnson, Robert  
Letourneau, Robert  
Nowe, Mary Lou  
Pantelakos, Laura  
Raynowska, Bernard  
Stritch, C Donald  
Welch, David

Beaulieu, Jon  
Cooney, Richard  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, George  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Sapareto, Frank  
Tufts, J Arthur  
Weyler, Kenneth

Belanger, Ronald  
Cox, Russell  
Francoeur, Sheila  
Henderson, Warren  
Kobel, Rudolph  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed II  
Schanda, Frank  
Varrell, Thomas  
Whittier, John

Bridle, Russell  
Downing, Michael  
Grant, Kenneth  
Hutchinson, Karen  
Langone, John  
Morse, Charles  
Packard, Sherman  
Quandt, Marshall  
Stone, Joseph  
Weare, Everett

### STRAFFORD

Brown, Julie  
Knowles, William

Callaghan, Frank  
McKinley, Robert

Cossette, Larry  
Rollo, Michael

Domingo, Baldwin

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Leone, Richard

Young, David

and Ought to Pass was adopted.

Ordered to third reading.

Rep. Gary Johnson wished to be recorded in favor.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Carol Moore moved that the House reconsider its action whereby it ordered **HB 1548-FN**, abolishing the death penalty to third reading and final passage, and spoke against.

On a division vote 140 members having voted in the affirmative and 213 in the negative, reconsideration failed.

### REGULAR CALENDAR (CONT'D.)

**HB 1521-FN-L**, relative to the definition and administration of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Jane E. O'Hearn for the Majority of Education: The amendment replaces this bill. The majority of the committee supports the purpose and intent of this legislation. The purpose of the legislation is to provide adequate education "accountability" to the citizens of New Hampshire. It does this with each school district preparing and developing a comprehensive Improvement and Assessment Plan. This plan will be developed by a variety of community members and include a number of proficiency standards, curriculum and instructional goals, pupil behavior, parent involvement, evaluation and professional roles. The report card is expanded for better understanding by local and state population of a school districts' performance and demographic indicators. This requires each school district to open public discussion on the condition of their school. It establishes procedures for the department of education to identify local school districts, which are in need of assistance, as well as, establishes procedures for the department of education to assist in improv-



ing the overall quality of educational programs and services offered by such districts. Vote 10-5. Rep. Warren C. Henderson for the Minority of Education: HB 1521 has at least four fundamental problems. First, the bill begins the process of a state takeover of schools. The bill provides for state intervention into targeted schools without local option if other efforts fail. The state dictates school standards, the state decides whether schools are meeting those standards, the state dictates which school improvement plans are acceptable and the state decides when schools have improved enough to end intervention. Local schools and citizens have input, but the state has all the control. Second, the bill creates more unfunded state obligations. The bill creates a special fund for good schools and another fund for underperforming schools. Neither fund has even a rough estimate of cost. The funds could cost pennies or tens of millions of dollars. Third, the bill micromanages the Department of Education. The bill specifically dictates everything from how long a school has to submit a report to how many people would serve on an intervention team. If the Department is competent, these details should be left to rule. If the Department is not competent, it should not be put in position to force their recommendations on schools. Fourth, the state intervention won't help schools that don't want the help. After proposing mandatory state intervention into targeted schools the bill offers only very weak improvement tools like a technical assistant or a review team. Opponents of the bill suspect that more heavy-handed state powers, such as the power to seize "fiscal and policy control" of local schools proposed by the Governor's Commission, lie ahead if we pave the way by passing this bill. On balance, the bill has so many problems, both philosophical and practical, that it should not become law. There are other ways to extend the use of school "report cards", the one good part of the bill, without imposing all these problems on local schools. The minority recommends a "No" vote on Ought to Pass with Amendment.

#### **Amendment (3555h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, it is necessary to monitor, evaluate, and publicly report the progress of pupils, schools, and districts.

2 New Subdivision; School District Comprehensive Improvement and Assessment Program. Amend RSA 193-E by inserting after section 3 the following new subdivision:

School District Comprehensive Improvement and Assessment Program

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "Plan" means the comprehensive improvement and assessment plan as defined in RSA 193-E:5.

IV. "State board" means the state board of education.

193-E:5 School District Quality Standards; Comprehensive Improvement and Assessment Plan. In order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, each school district shall implement the following quality standards:

I. By July 1, 2001, each district shall file its current plan with the department. Each school district shall prepare and implement its plan in accordance with a staggered schedule established by the department such that all plans shall be filed no later than June 1, 2007. Each plan shall be developed through a process involving parents, teachers, employers, and other community members. The department shall comment to the district on the plan in a timely fashion. Every 5 years following the filing of the initial plan, each school district shall file an updated plan developed through the process outlined in this paragraph. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C:3, in preparing the plan. At a minimum, the plan shall include:

(a) Curriculum and proficiency standards for all pupils.

(b) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.

(c) Procedures for aligning curriculum, instructional practices, and pupil and programmatic assessments, including annual reporting of results.

(d) Local assessment measures which focus on individual pupil performance.

(e) Role of support services and programs.

- (f) Role of instructional leadership.
- (g) Strategies to promote family and community involvement.
- (h) Staff supervision and evaluation and performance-based professional development.
- (i) Procedures for ongoing review and evaluation of the plan.
- (j) Pupil behavior and conduct codes.
- (k) Procedures to ensure that the school district budget reflects the goals of the plan.
- (l) Provisions for addressing individual school needs.

II. By September 1, 2002, and annually thereafter, each school district shall report to the department its data for the previous school year on its school and district performance and demographic indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board.

(a) Performance and demographic indicators shall include the following areas:

- (1) Attendance, tardiness, truancy, transfer, and drop-out rates.
  - (2) School environment indicators, such as safe-schools data.
  - (3) Proportion of graduating pupils going on to post-secondary education, military service, and the workplace.
  - (4) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.
  - (5) Extent to which pupils meet or exceed behavior conduct codes.
  - (6) Extent to which teachers are certified in all areas in which they teach.
  - (7) Extent to which teachers engage in performance-based professional development to promote pupil learning.
  - (8) Frequency and effectiveness of staff supervision and evaluations.
  - (9) Extent to which district schools implement components of effective family/community involvement standards including communicating, parenting, pupil learning, volunteering, school decision-making and advocacy, and collaborating with the community.
  - (10) Frequency and effectiveness of supervision and evaluations of instructional and administrative leaders.
  - (11) Teacher and administrator turnover rates reported by area of certification and by elementary, middle, junior high, and high school levels.
- (b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each elementary, middle, junior high, and/or high school in the school district shall meet the standards for school approval adopted by the state board.

IV. Beginning December 1, 2003, and annually thereafter, the commissioner, in accordance with rules adopted by the state board pursuant to RSA 541-A, shall determine whether each school district is meeting the quality standards established in paragraphs I–III of this section. A school district that does not meet these quality standards shall be designated by the commissioner as a district in need of assistance. The commissioner, annually, shall provide a report of such determinations to the governor and council, the speaker of the house, the senate president, the chairpersons of the house and senate education committees, the state board, and the attorney general.

V. No later than December 1, 2002, and annually thereafter, the department shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and pupil performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, and data provided under paragraph II of this section, as well as other relevant statistics including English as a second language pupils, special education pupils, and pupils eligible for free or reduced-price meals. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 45 days of the issuance of the annual report on the condition of education as required in paragraph II of this section, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

VII. A school district that meets or exceeds the quality standards set forth in paragraphs I-III of this section shall receive formal recognition from the state board and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board and the governor. Such school districts, schools, or teachers shall be eligible to receive funds from a special projects and district improvement fund administered by the department. Such funds shall be used to disseminate best practices throughout the state.

193-E:6 Request for Assistance. A school district, in response to the annual report on the condition of education, may request from the department the assistance available under this subdivision on behalf of the district as a whole or on behalf of one or more schools in the district. Within 30 days of such request, the commissioner may, based on the availability of resources, provide appropriate assistance to the district. The commissioner shall work with local school board and school district officials in determining the assistance specific to the district's needs.

193-E:7 School District in Need of Assistance. If a school district requesting assistance has been designated as a district in need of assistance, then that school district shall receive assistance from the department as follows:

I. A school district shall have one year from the date of the designation as a district in need of assistance pursuant to RSA 193-E:5, IV to prepare a corrective action plan for approval by the state board. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or a peer review team as provided in this section. Any such decision shall be included in the corrective action plan. A district's corrective action plan shall first examine and access the district's professional development resources and available state initiatives. After accessing district resources and available state initiatives, the district shall have access, with the consent of the commissioner, to the special projects and improvement fund, if necessary, in order to participate in workshops, conferences, seminars, courses, and other similar academic and professional development opportunities which may be available and which shall be related to the specific educational goals of a district as outlined in the plan.

II. If a school district has not developed and implemented an approved corrective action plan within one year of that designation, then on December 1 of the year following the designation, if that school district continues to be designated as a district in need of assistance, the commissioner may provide technical assistances to review the educational programming and effectiveness of the school district. In cooperation with local officials, the technical assistance advisor shall prepare and present a report at the beginning of a regularly scheduled public meeting of the local school board and to the state board. This report shall be issued within 4 months of the advisor's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board for approval. If the state board does not approve a corrective action plan, then the commissioner, in cooperation with the superintendent and the local school board, shall work with the school district to revise its corrective action plan. If the school district fails to revise its corrective action plan or the state board does not approve the revised corrective action plan, then the commissioner, in cooperation with the superintendent and the local school board, shall develop a corrective action plan, including methods for implementation. The commissioner shall, to the greatest extent possible, solicit advice and comment from the local community regarding the revised corrective action plan, at a special meeting called for the purpose, and submit the plan to the state board for approval without further action of the school district.

III. Any approved corrective action plan that includes the use of a technical assistance advisor, then the commissioner shall appoint a technical assistance advisor who shall be authorized to access the state special projects and district improvement fund, subject to rules adopted by the state board, to provide assistance to the local school district staff in the implementation of the corrective action plan.

IV. Any approved corrective action plan that includes the use of a peer review team, then the commissioner shall name a peer review team consisting of an appointee of the local school district, an appointee of the state board, and a third member chosen by the local and state ap-



pointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

V. If a school district that has been designated a district in need of assistance pursuant to RSA 193-E:5, IV has not submitted a request for assistance by the time of the annual school district meeting in a town, or by April 30 in a city, then the legislative body of the school district may vote to direct the governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with this subdivision.

193-E:8 Appeals. A school district that has been designated as a district in need of assistance may file an appeal in writing with the state board no later than 30 days from the date of the designation. The scope of the appeal shall be limited to the basis for the school district's designation as a district in need of assistance. The state board shall expedite all school district appeals on this matter by scheduling a hearing and rendering a written decision no later than 30 days from the date on which the school district's request for appeal was received.

193-E:9 Special Projects and District Improvement Fund. A special projects and district improvement fund is hereby established in the department of education. Moneys in this fund shall be continually appropriated to the department. The department shall use moneys appropriated for this fund to provide grants pursuant to RSA 193-E:7. The department shall also use moneys appropriated for this fund to support the implementation of approved corrective action plans. The technical assistance advisor assigned to work in these school districts shall be authorized to access this fund in accordance with rules adopted by the state board.

193-E:10 Rulemaking. The state board shall, pursuant to RSA 541-A:

I. No later than July 1, 2001, adopt rules relative to data keeping and the form of the school district report required under RSA 193-E:5, II.

II. No later than June 30, 2003, adopt rules relative to the approval of corrective action plans as required in RSA 193-E:7. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

III. No later than July 1, 2003, adopt rules relative to procedures for access to and disbursement from the special projects and district improvement fund established pursuant to RSA 193-E:9.

IV. No later than July 1, 2002, adopt rules relative to the criteria and procedures for determining compliance with quality standards. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

3 New Paragraph; Statewide Improvement and Assessment Plan; Review Required. Amend RSA 193-C by inserting after paragraph IV the following new paragraph:

V. By June 30, 2002, and every 5 years thereafter, the state board shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department will help schools and school districts improve pupil achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

4 Statewide Improvement and Assessment Program; Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report.

I. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. *To review the provisions of RSA 193-E, relative to an adequate public education and school district accountability, and file a report of such review to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees every 2 years.*

5 New Paragraph; State Board of Education; Duties of the State Board; Review of School Approval Standards Inserted. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:



XXXVI. REVIEW OF SCHOOL APPROVAL STANDARDS. No later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update as necessary school approval standards based on input from parents, employers, educators, and other citizens. No later than 60 days from the date of each review, the state board of education shall submit a report of its findings, including recommendations for proposed legislation, to the chairpersons of the house and senate education committees. At the discretion of the committee chairpersons, a public hearing on the report may be scheduled.

6 Repeal. RSA 194:23-d, relative to state financial aid to public elementary or high schools, is repealed.

7 Prospective Repeal. RSA 193-E:3, relative to the delivery of an adequate education, is repealed.

8 Effective Date.

I. RSA 193-E:9 as inserted by section 2 of this bill shall take effect July 1, 2003.

II. Section 7 of this act shall take effect December 1, 2002.

III. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill:

I. Requires each school district to prepare and implement quality standards and a local education improvement and assessment plan.

II. Establishes procedures for the department of education to identify local school districts which are in need of assistance.

III. Establishes procedures for the department of education to assist in improving the overall quality of educational programs and services offered by such districts.

IV. Establishes a special projects and district improvement fund within the department of education. Adopted.

Reps. Arthur Pelletier and Ward spoke against and yielded to questions.

Reps. Alger and Henderson spoke against.

Rep. Robb-Theroux requested a quorum count. The Speaker declared a quorum present.

Rep. Estabrook spoke in favor and yielded to questions.

Reps. Hoadley and O'Hearn spoke in favor.

Rep. Sullivan requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 180 NAYS 174

#### YEAS 180

#### BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

#### CARROLL

None

#### CHESHIRE

Avery, Stephen

Batchelder, Robert

Burnham, Daniel

DePecol, Benjamin

Hunt, John

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Russell, Ronald

#### COOS

Davis, Perley

Horton, Lynn

Landers, Dana

Mears, Edgar

Rodrigue, Robert

Woodward, David

#### GRAFTON

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Eaton, Stephanie

Guest, Robert

Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
 Bergin, Peter  
 Craig, James  
 Drabinowicz, A Theresa  
 Fields, Dennis  
 Garrish, Linda  
 Hall, Betty  
 Keye, Harvey  
 LaRose, Richard  
 Lozeau, Donnalee  
 McColgan, Philip Jr  
 Mercer, Robert  
 O'Hearn, Jane  
 Sargent, Maxwell  
 Williams, Carol

Arthur, Rose  
 Buckley, Raymond  
 Daigle, Robert  
 Durham, Susan  
 Ford, Nancy  
 Ginsburg, Ruth  
 Herman, Richard  
 Kony, Christine  
 Lasky, Bette  
 Lynde, Harold  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 Peterson, Andrew  
 Simon, Anthony

Baroody, Benjamin  
 Cote, David  
 Desrosiers, William  
 Dwyer, Paul Sr  
 Foster, Linda  
 Goley, Jeffrey  
 Jean, Claudette  
 Kurk, Neal  
 Lefebvre, Roland  
 McCarthy, William  
 Melcher, Harold  
 Mosher, William  
 Reidy, Frank  
 Turgeon, Roland

Bergeron, Lucien  
 Cote, Peter  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Gagnon, Eugene  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 LaPorte, George  
 Leonard, Peter  
 McCarty, Winston  
 Mendenhall, Leslie  
 O'Connell, Timothy  
 Sarette, John  
 White, John

**MERRIMACK**

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Hoadley, Elizabeth  
 Moore, Carol  
 Rosenfield, Jay  
 Wallin, Jean

Chase, George  
 Feuerstein, Martin  
 Gile, Mary  
 Jacobson, Alf  
 Owen, Derek  
 Seldin, Gloria  
 Wallner, Mary Jane

Crosby, Toni  
 Fortnam, Janet  
 Hager, Elizabeth  
 Marshall, Kenneth  
 Potter, Frances  
 St Cyr, Gerard  
 Whittemore, James

Daneault, Gabriel  
 Fraser, Marilyn  
 Hess, David  
 Maxfield, Roy  
 Rodd, Beth  
 Virtue, Carolyn  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Clark, Martha  
 Downing, Michael  
 Kane, Cecelia  
 McKinney, Betsy  
 Sabella, Norma  
 Splaine, James  
 Weatherspoon, Jackie

Bishop, Franklin  
 Cooney, Richard  
 Gibbons, Paul  
 Kelley, Jane  
 Norelli, Terie  
 Schanda, Frank  
 Stone, Joseph

Blanchard, MaryAnn  
 Dalrymple, Janeen  
 Hutchinson, Rebecca  
 Langone, John  
 Pantelakos, Laura  
 Shelton, Richard  
 Tufts, J Arthur

Case, Margaret  
 Dearborn, Bruce  
 Johnson, Robert  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Vaughn, Charles

**STRAFFORD**

Berube, Roger  
 Gilmore, Gary  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

DeChane, Marlene  
 Grassie, Anne  
 Knowles, William  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Dunlap, Patricia  
 Heon, Richard  
 Lent, Donald  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis

Estabrook, Iris  
 Johnson, Nancy  
 Musler, George  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Wiggins, Celestine

Burling, Peter  
 Phinizy, James

Cloutier, John  
 Robb-Theroux, Amy

Donovan, Thomas Jr  
 Tuthill, John

**NAYS 174****BELKNAP**

Bartlett, Gordon  
 Holbrook, Robert  
 Rosen, Ralph

Boriso, Thomas  
 Johnson, James  
 Thomas, John

Boyce, Robert  
 Lawton, David  
 Turner, Robert

Czech, Stanley  
 Rice, Thomas  
 Wendelboe, Francine

**CARROLL**

Babson, David Jr  
 Howard, Godfrey  
 Philbrick, Donald

Bradley, Jeb  
 Kenney, Joseph  
 Sullivan, P Judith

Chandler, Gene  
 Mock, Henry  
 Torressen, Gary

Dickinson, Howard  
 Patten, Betsey

**CHESHIRE**

Roberts, William  
Zerba, Roger

Rose, William

Royce, H Charles

Smith, Edwin

**COOS**

Gallus, John  
Tholl, John Jr

Guay, Lawrence

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Picconi, Al

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Scanlan, David

Brothers, Richard  
Hall, David  
Mirski, Paul  
Ward, Brian

Cobb, John  
Harmon, Hobart  
Phinney, William  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon Jr  
Clegg, Robert Jr  
Desmarais, Vivian  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
Martin, Mary Ellen  
Milligan, Robert  
Pepino, Leo  
Thulander, O Alan  
Withe, Dennis

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Dyer, Merton  
Franks, Suzan  
Herman, Keith  
Lessard, Rudy  
McDonald, James Sr  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Vaillancourt, Steve

Arnold, Thomas Jr  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Fenton, James  
Gorman, Mary  
Holley, Sylvia  
MacGillivray, Jeffrey  
McGough, Tim  
Ouellette, Dean  
Rowe, Robert  
Wall, Nancy

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Fletcher, Richard  
Goulet, Maurice  
Hunter, Bruce  
Martel, Andre  
Messier, Irene  
Pappas, Marc  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Lavoie, Gerard  
Nichols, Avis

Brewster, Richard  
Leber, William  
Poulin, Dave

Kennedy, Richard  
Lockwood, Priscilla  
Soltani, Tony

Langer, Ray  
Marple, Richard  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Morse, Charles  
Packard, Sherman  
Raynowska, Bernard  
Sapareto, Frank  
Verani, Giovanni  
Whittier, John

Beaulieu, Jon  
Clark, Vivian  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Stickney, Nancy  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Rubin, George  
Stritch, C Donald  
Welch, David

Bridle, Russell  
DiFruscia, Anthony  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Kobel, Rudolph  
Moore, Benjamin  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Weyler, Kenneth

**STRAFFORD**

Bickford, David  
Cossette, Larry  
Pelletier, Arthur

Brennan, William  
Domingo, Baldwin  
Woods, Phyllis

Brown, Julie  
Kaen, Naida

Callaghan, Frank  
McKinley, Robert

**SULLIVAN**

Jones, Constance  
and the majority report was adopted.  
Ordered to third reading.

Kibbey, David

Leone, Richard

Young, David

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Burling moved that the House reconsider its action whereby it ordered **HB 1521-FN-L**, relative to the definition and administration of an adequate education to third reading and final passage, and spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the motion to reconsider.

**YEAS 178 NAYS 176**

**YEAS 178****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Gallus, John	Guay, Lawrence	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr			

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Harmon, Hobart
Hinman, Harry	Marshall, Gene	Mirski, Paul	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Dyer, Merton	Fenton, James	Fletcher, Richard	Franks, Suzan
Gagnon, Eugene	Gorman, Mary	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
LaPorte, George	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary Ellen	McCarthy, William	McDonald, James Sr
McGough, Tim	Messier, Irene	Milligan, Robert	Nolan-Piteri, Dawn
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Tate, Joan	Thulander, O Alan	Vaillancourt, Steve
Wall, Nancy	White, Donald	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Kennedy, Richard	Langer, Ray
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Poulin, Dave	Soltani, Tony	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew Jr	Clark, Vivian	Cox, Russell



Dalrymple, Janeen  
 Flanagan, Natalie  
 Gleason, John  
 Henderson, Warren  
 Kelley, William  
 Major, Norman  
 Nowe, Ronald  
 Putnam, Ed II  
 Rubin, George  
 Stritch, C Donald  
 Welch, David

DiFruscia, Anthony  
 Flanders, David  
 Grant, Kenneth  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Moore, Benjamin  
 O'Neil, Michael  
 Quandt, Marshall  
 Ruffner, Walter  
 Varrell, Thomas  
 Weyler, Kenneth

Dowling, Patricia  
 Flanders, John Sr  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 Morse, Charles  
 Packard, Sherman  
 Raynowska, Bernard  
 Sapareto, Frank  
 Verani, Giovanni  
 Whittier, John

Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Nowe, Mary Lou  
 Priestley, Anne  
 Reardon, Neil  
 Stickney, Nancy  
 Weare, Everett  
 Zolla, William

### STRAFFORD

Bickford, David  
 Cossette, Larry  
 Pelletier, Arthur

Brennan, William  
 Domingo, Baldwin  
 Woods, Phyllis

Brown, Julie  
 Kaen, Naida

Callaghan, Frank  
 McKinley, Robert

### SULLIVAN

Jones, Constance

Kibbey, David

Leone, Richard

Young, David

### NAYS 176

### BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Avery, Stephen  
 Lerandeau, Alfred  
 McGuirk, Paul  
 Pratt, John

Batchelder, Robert  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara

Burnham, Daniel  
 Lynott, Margaret  
 Mitchell, McKim  
 Riley, William

DePecol, Benjamin  
 Manning, Joseph  
 Pratt, Irene  
 Russell, Ronald

### COOS

Davis, Perley  
 Rodrigue, Robert

Horton, Lynn  
 Woodward, David

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
 Guest, Robert

Copenhaver, Marion  
 Nordgren, Sharon

Densmore, Jessica

Eaton, Stephanie

### HILLSBOROUGH

Ahern, Richard  
 Bergeron, Lucien  
 Cote, Peter  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 LaRose, Richard  
 Lynde, Harold  
 Melcher, Harold  
 Mosher, William  
 Reidy, Frank  
 Turgeon, Roland

Arnold, Thomas Jr  
 Bergin, Peter  
 Craig, James  
 Drabinowicz, A Theresa  
 Fields, Dennis  
 Garrish, Linda  
 Hall, Betty  
 Keye, Harvey  
 Lasky, Bette  
 McCarty, Winston  
 Mendenhall, Leslie  
 O'Connell, Timothy  
 Sarette, John  
 White, John

Arthur, Rose  
 Buckley, Raymond  
 Daigle, Robert  
 Durham, Susan  
 Flora, Kathleen  
 Ginsburg, Ruth  
 Herman, Richard  
 Konys, Christine  
 Lefebvre, Roland  
 McColgan, Philip Jr  
 Mercer, Robert  
 O'Hearn, Jane  
 Sargent, Maxwell  
 Williams, Carol

Baroody, Benjamin  
 Cote, David  
 Desrosiers, William  
 Dwyer, Paul Sr  
 Ford, Nancy  
 Goley, Jeffrey  
 Jean, Claudette  
 Kurk, Neal  
 Leonard, Peter  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 Peterson, Andrew  
 Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Hoadley, Elizabeth  
 Moore, Carol  
 Rodd, Beth  
 Virtue, Carolyn  
 Yeaton, Charles

Chase, George  
 Feuerstein, Martin  
 Gile, Mary  
 Jacobson, Alf  
 Nichols, Avis  
 Rosenfield, Jay  
 Wallin, Jean

Crosby, Toni  
 Fortnam, Janet  
 Hager, Elizabeth  
 Marshall, Kenneth  
 Owen, Derek  
 Seldin, Gloria  
 Wallner, Mary Jane

Daneault, Gabriel  
 Fraser, Marilyn  
 Hess, David  
 Maxfield, Roy  
 Potter, Frances  
 St Cyr, Gerard  
 Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
 Cooney, Richard  
 Hutchinson, Rebecca  
 Langone, John  
 Pantelakos, Laura  
 Shelton, Richard  
 Tufts, J Arthur

Blanchard, MaryAnn  
 Dearborn, Bruce  
 Johnson, Robert  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Vaughn, Charles

Case, Margaret  
 Downing, Michael  
 Kane, Cecelia  
 McKinney, Betsy  
 Sabella, Norma  
 Splaine, James  
 Weatherspoon, Jackie

Clark, Martha  
 Gibbons, Paul  
 Kelley, Jane  
 Norelli, Terie  
 Schanda, Frank  
 Stone, Joseph

**STRAFFORD**

Berube, Roger  
 Gilmore, Gary  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

DeChane, Marlene  
 Grassie, Anne  
 Knowles, William  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Dunlap, Patricia  
 Heon, Richard  
 Lent, Donald  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis

Estabrook, Iris  
 Johnson, Nancy  
 Musler, George  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Wiggins, Celestine

Burling, Peter  
 Phinizz, James

Cloutier, John  
 Robb-Theroux, Amy

Donovan, Thomas Jr  
 Tuthill, John

and reconsideration prevailed.

**LAID ON THE TABLE**

Rep. Mirski moved that **HB 1521-FN-L**, relative to the definition and administration of an adequate education, be laid on the table.

Rep. Christiansen requested a roll call; sufficiently seconded.

The question being the motion to lay on the table.

**YEAS 180 NAYS 174****YEAS 180****BELKNAP**

Bartlett, Gordon  
 Holbrook, Robert  
 Rosen, Ralph

Boriso, Thomas  
 Johnson, James  
 Thomas, John

Boyce, Robert  
 Lawton, David  
 Turner, Robert

Czech, Stanley  
 Rice, Thomas  
 Wendelboe, Francine

**CARROLL**

Babson, David Jr  
 Howard, Godfrey  
 Philbrick, Donald

Bradley, Jeb  
 Kenney, Joseph  
 Sullivan, P Judith

Chandler, Gene  
 Mock, Henry  
 Torressen, Gary

Dickinson, Howard  
 Patten, Betsey

**CHESHIRE**

Hunt, John  
 Zerba, Roger

Roberts, William

Rose, William

Smith, Edwin

**COOS**

Gallus, John  
 Pratt, Leighton

Guay, Lawrence  
 Tholl, John Jr

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Picconi, Al

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Scanlan, David

Brothers, Richard  
Hall, David  
Mirski, Paul  
Ward, Brien

Cobb, John  
Harmon, Hobart  
Phinney, William  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Carlson, Donald  
Dalianis, Griffin  
Fletcher, Richard  
Hansen, Herbert  
Jean, Loren  
Lessard, Rudy  
Martin, Mary Ellen  
Messier, Irene  
Ouellette, Dean  
Rowe, Robert  
Wall, Nancy

Andrews, Frederick  
Brundige, Robert  
Christiansen, Lars  
Desmarais, Vivian  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
McCarthy, William  
Milligan, Robert  
Pappas, Marc  
Tate, Joan  
White, Donald

Batula, Peter  
Bruno, Pierre  
Clegg, Robert Jr  
Dyer, Merton  
Franks, Suzan  
Holley, Sylvia  
LaPorte, George  
MacGillivray, Jeffrey  
McDonald, James Sr  
Mosher, William  
Pepino, Leo  
Thulander, O Alan  
Withee, Dennis

Beaupre, Roland  
Calawa, Leon Jr  
Coughlin, Pamela  
Fenton, James  
Goulet, Maurice  
Hunter, Bruce  
Lefebvre, Roland  
Martel, Andre  
McGough, Tim  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Marple, Richard  
Soltani, Tony

Brewster, Richard  
Lavoie, Gerard  
Maxfield, Roy  
Whalley, Michael

Hess, David  
Leber, William  
Nichols, Avis

Kennedy, Richard  
Lockwood, Priscilla  
Poulin, Dave

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cox, Russell  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Stritch, C Donald  
Welch, David

Beaulieu, Jon  
Christie, Andrew Jr  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kelley, William  
Major, Norman  
Nowe, Ronald  
Putnam, Ed II  
Rubin, George  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Kobel, Rudolph  
Moore, Benjamin  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Verani, Giovanni  
Whittier, John

Bishop, Franklin  
Cooney, Richard  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Morse, Charles  
Packard, Sherman  
Raynowska, Bernard  
Stickney, Nancy  
Weare, Everett  
Zolla, William

**STRAFFORD**

Brennan, William  
Domingo, Baldwin  
Woods, Phyllis

Brown, Julie  
Kaen, Naida

Callaghan, Frank  
McKinley, Robert

Cossette, Larry  
Pelletier, Arthur

**SULLIVAN**

Jones, Constance

Kibbey, David

Leone, Richard

Young, David

**NAYS 174****BELKNAP**

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Avery, Stephen  
 Lerandeau, Alfred  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

Batchelder, Robert  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara

Burnham, Daniel  
 Lynott, Margaret  
 Mitchell, McKim  
 Riley, William

DePecol, Benjamin  
 Manning, Joseph  
 Pratt, Irene  
 Royce, H Charles

**COOS**

Davis, Perley  
 Woodward, David

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
 Guest, Robert

Copenhaver, Marion  
 Nordgren, Sharon

Densmore, Jessica

Eaton, Stephanie

**HILLSBOROUGH**

Ahern, Richard  
 Bergeron, Lucien  
 Cote, David  
 Daniels, Gary  
 Durham, Susan  
 Ford, Nancy  
 Ginsburg, Ruth  
 Hall, Betty  
 Keye, Harvey  
 Leonard, Peter  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 Reidy, Frank  
 Turgeon, Roland

Arnold, Thomas Jr  
 Bergin, Peter  
 Cote, Peter  
 Desrosiers, William  
 Dwyer, Paul Sr  
 Foster, Linda  
 Goley, Jeffrey  
 Herman, Richard  
 Kony, Christine  
 Lynde, Harold  
 Melcher, Harold  
 O'Connell, Timothy  
 Sarette, John  
 White, John

Arthur, Rose  
 Buckley, Raymond  
 Craig, James  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Gagnon, Eugene  
 Gorman, Mary  
 Jean, Claudette  
 LaRose, Richard  
 McCarty, Winston  
 Mendenhall, Leslie  
 O'Hearn, Jane  
 Sargent, Maxwell  
 Williams, Carol

Baroody, Benjamin  
 Chabot, Robert  
 Daigle, Robert  
 Drabinowicz, A Theresa  
 Fields, Dennis  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Johnson, Lionel  
 Lasky, Bette  
 McColgan, Philip Jr  
 Mercer, Robert  
 Peterson, Andrew  
 Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Jacobson, Alf  
 Potter, Frances  
 St Cyr, Gerard  
 Whittemore, James

Chase, George  
 Feuerstein, Martin  
 Gile, Mary  
 Marshall, Kenneth  
 Rodd, Beth  
 Virtue, Carolyn  
 Yeaton, Charles

Crosby, Toni  
 Fortnam, Janet  
 Hager, Elizabeth  
 Moore, Carol  
 Rosenfield, Jay  
 Wallin, Jean

Daneault, Gabriel  
 Fraser, Marilyn  
 Hoadley, Elizabeth  
 Owen, Derek  
 Seldin, Gloria  
 Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
 Dearborn, Bruce  
 Johnson, Robert  
 Lovejoy, Marian  
 Pitts, Jacqueline  
 Shelton, Richard  
 Tufts, J Arthur

Blanchard, MaryAnn  
 Downing, Michael  
 Kane, Cecelia  
 McKinney, Betsy  
 Sabella, Norma  
 Shultis, Elizabeth  
 Vaughn, Charles

Case, Margaret  
 Gibbons, Paul  
 Kelley, Jane  
 Norelli, Terie  
 Sapareto, Frank  
 Splaine, James  
 Weatherspoon, Jackie

Clark, Martha  
 Hutchinson, Rebecca  
 Langone, John  
 Pantelakos, Laura  
 Schanda, Frank  
 Stone, Joseph

**STRAFFORD**

Berube, Roger  
 Estabrook, Iris  
 Johnson, Nancy  
 Musler, George  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

Bickford, David  
 Gilmore, Gary  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

DeChane, Marlene  
 Grassie, Anne  
 Knowles, William  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Dunlap, Patricia  
 Heon, Richard  
 Lent, Donald  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis



## SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Wiggins, Celestine

Burling, Peter  
 Phinizy, James

Cloutier, John  
 Robb-Theroux, Amy

Donovan, Thomas Jr  
 Tuthill, John

and the motion was adopted.

## RECESS

(Speaker Sytek in the Chair)

## REGULAR CALENDAR (CONT'D.)

**HB 1327**, relative to residency of prisoners for purposes of voter registration OUGHT TO PASS Rep. Lynn C. Horton for Election Law: This bill requires that, when completing a voter registration card, persons confined in penal institutions attach a statement of their domicile immediately prior to confinement. Next to a prisoner's name on the voter checklist it will state "non-applicable – see attached". The attachment will give the post office box of the penal institution. This provision will protect occupants who are now living in the former residence of the prisoner. Vote 13-2. Adopted and ordered to third reading.

**HB 1331**, relative to campaign contributions by corporations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Election Law: The bill addressed contributions by corporations to political candidates. The court last year ruled our current law unconstitutional. This bill limits contributions by corporations to \$5000 if the candidate agrees to the spending cap, \$1000 if the candidate does not agree to the spending cap. Vote 14-1.

## Amendment (3481h)

Amend the bill by replacing section 1 with the following:

1 Elections; Political Expenditures and Contributions; Corporations. RSA 664:4, I is repealed and reenacted to read as follows:

1. By any corporation, or by any officer, director, executive, agent or employee acting in behalf of such corporation, or by any organization representing or affiliated with one or more corporations or by any officer, director, executive, agent or employee acting in behalf of such organization if in excess of \$5,000 in value, or if in excess of \$1,000 in value if made by a corporation, to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his or her campaign expenditures and those expenditures made on his or her behalf as provided in RSA 664:5-a.

## AMENDED ANALYSIS

This bill prohibits political contributions by corporations in excess of \$5,000, or in excess of \$1,000 in value if made by a corporation to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his or her campaign expenditures and those expenditures made on his or her behalf as provided in RSA 664:5-a.

Adopted.

Report adopted and ordered to third reading.

**HB 1527**, relative to false statements about candidates. INEXPEDIENT TO LEGISLATE

Rep. Lynn C. Horton for Election Law: This bill establishes a procedure for candidates to file a request for findings with the secretary of state alleging that a false statement has been made, either orally or in writing about the candidate. The secretary of state is required to hold a hearing and make written findings on the request. The committee agrees that matters would be difficult for the secretary of state's office to resolve such complaints, especially when the timing of such complaints is so close to the election. Vote 11-5.

Adopted.

**HCR 26**, relative to the redistricting of the town of Alexandria following the 2000 census. INEXPEDIENT TO LEGISLATE

Rep. Michael S. Rollo for Election Law: The committee on Election Law sympathizes with the sponsor and residents of the town of Alexandria. However, the majority of the committee would

rather not set a precedent to towns with grievances before redistricting occurs. The committee would like to reassure the residents of Alexandria that their concerns have been heard, and will be addressed during the redistricting process. Vote 13-3.

Rep. Harmon spoke against and yielded to questions.

Rep. Scanlan spoke against.

Reps. Buckley and Horton spoke in favor.

Rep. Arndt requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 184 NAYS 151

### YEAS 184

#### BELKNAP

Boriso, Thomas	Holbrook, Robert	Lawton, David	Rosen, Ralph
Turner, Robert			

#### CARROLL

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Sullivan, P Judith
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#### CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Russell, Ronald	Smith, Edwin		

#### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Rodrigue, Robert	Tholl, John Jr

#### GRAFTON

Copenhaver, Marion	Eaton, Stephanie	Gilman, G Michael	Guest, Robert
Ham, Bonnie	Nordgren, Sharon		

#### HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Clegg, Robert Jr	Craig, James
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Drabinowicz, A Theresa	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence
Fields, Dennis	Foster, Linda	Gagnon, Eugene	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Hunter, Bruce	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	LaPorte, George
LaRose, Richard	Lasky, Bette	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martin, Mary Ellen	McCarthy, William
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim
Mendenhall, Leslie	Mercer, Robert	Milligan, Robert	Moriarty, Mary
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
Williams, Carol			

#### MERRIMACK

Chase, George	Crosby, Toni	Daneault, Gabriel	Davis, Francis
Fraser, Marilyn	Gile, Mary	Hess, David	Kennedy, Richard
Lockwood, Priscilla	Moore, Carol	Potter, Frances	Reardon, Tara
Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
Downing, Michael  
Gibbons, Paul  
Kane, Cecelia  
Morse, Charles  
Noyes, Richard  
Reardon, Neil  
Tufts, J Arthur  
Welch, David

Beaulieu, Jon  
Clark, Vivian  
Flanders, David  
Griffin, Mary  
Lovejoy, Marian  
Norelli, Terie  
Packard, Sherman  
Schanda, Frank  
Vaughn, Charles  
Zolla, William

Belanger, Ronald  
DiFruscia, Anthony  
Flanders, John Sr  
Henderson, Warren  
Major, Norman  
Nowe, Mary Lou  
Pantelakos, Laura  
Shultis, Elizabeth  
Verani, Giovanni

Case, Margaret  
Dowling, Patricia  
Francoeur, Sheila  
Hutchinson, Rebecca  
Moore, Benjamin  
Nowe, Ronald  
Priestley, Anne  
Splaine, James  
Weare, Everett

**STRAFFORD**

Berube, Roger  
Domingo, Baldwin  
Keans, Sandra  
Rollo, Michael  
Torr, Franklin  
Vincent, Francis

Brennan, William  
Estabrook, Iris  
Knowles, William  
Smith, Marjorie  
Tsiros, William  
Wall, Janet

Cossette, Larry  
Heon, Richard  
Lent, Donald  
Snyder, Clair  
Twardus, Joseph

DeChane, Marlene  
Johnson, Nancy  
McKinley, Robert  
Taylor, Kathleen  
Vachon, Dennis

**SULLIVAN**

Allison, David

Burling, Peter

Cloutier, John

Wiggins, Celestine

**NAYS 151****BELKNAP**

Bartlett, Gordon  
Millham, Alida

Boyce, Robert  
Rice, Thomas

Czech, Stanley  
Thomas, John

Johnson, James  
Wood, Jane

**CARROLL**

Babson, David Jr  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Howard, Godfrey  
Torressen, Gary

Mock, Henry

**CHESHIRE**

Avery, Stephen  
Roberts, William

Manning, Joseph  
Rose, William

Pratt, John  
Royce, H Charles

Riley, William  
Zerba, Roger

**COOS**

Glines, Sara

Landers, Dana

Woodward, David

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Marshall, Gene  
Scanlan, David

Alger, John  
Dudley, Terri  
Mirski, Paul  
Ward, Brien

Almy, Susan  
Hall, David  
Phinney, William  
Weber, Phil

Cobb, John  
Harmon, Hobart  
Picconi, Al

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien  
Cote, Peter  
Fletcher, Richard  
Gorman, Mary  
Jean, Claudette  
Lessard, Rudy  
Messier, Irene  
Tate, Joan

Andrews, Frederick  
Bergin, Peter  
Dokmo, Cynthia  
Flora, Kathleen  
Goulet, Maurice  
Jean, Loren  
Martel, Andre  
Mosher, William  
Wall, Nancy

Beaupre, Roland  
Carlson, Donald  
Durham, Susan  
Ford, Nancy  
Herman, Richard  
Lefebvre, Roland  
McRae, Karen  
O'Connell, Timothy  
White, Donald

Belvin, William  
Christiansen, Lars  
Fenton, James  
Franks, Suzan  
Holley, Sylvia  
Leishman, Peter  
Melcher, Harold  
Peterson, Andrew  
White, John

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Langer, Ray

Asplund, Bronwyn  
French, Barbara  
Lavoie, Gerard

Bouchard, Candace  
Hoadley, Elizabeth  
Leber, William

Brewster, Richard  
Jacobson, Alf  
Marple, Richard

Marshall, Kenneth  
Rodd, Beth

Maxfield, Roy  
Virtue, Carolyn

Owen, Derek  
Whittemore, James

Poulin, Dave

### ROCKINGHAM

Abbott, Dennis  
Cox, Russell  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Quandt, Marshall  
Sabella, Norma  
Stritch, C Donald  
Whittier, John

Blanchard, MaryAnn  
Dearborn, Bruce  
Grant, Kenneth  
Katsakiores, George  
Langley, Jane  
O'Neil, Michael  
Raynowska, Bernard  
Shelton, Richard  
Varrell, Thomas

Bridle, Russell  
Fesh, Robert  
Hamel, Albert  
Katsakiores, Phyllis  
Langone, John  
Pitts, Jacqueline  
Rubin, George  
Stickney, Nancy  
Weatherspoon, Jackie

Cooney, Richard  
Flanagan, Natalie  
Hutchinson, Karen  
Kelley, William  
Letourneau, Robert  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Weyler, Kenneth

### STRAFFORD

Bickford, David  
Pelletier, Arthur  
Spear, Barbara

Dunlap, Patricia  
Pelletier, Marsha  
Woods, Phyllis

Kaen, Naida  
Rogers, Rose Marie

Musler, George  
Spang, Judith

### SULLIVAN

Donovan, Thomas Jr  
Phinizy, James

Flint, Gordon Sr  
Robb-Theroux, Amy

Jones, Constance  
Tuthill, John

Leone, Richard  
Young, David

and the report was adopted.

Reps. Nolan-Piteri and Wendelboe did not vote and wished to be recorded in favor.

**HB 1201**, creating a committee to study incentives for regionalization of sludge and septage facilities. REFER FOR INTERIM STUDY

Rep. Donald R. Philbrick for Environment and Agriculture: The Environment & Agriculture Committee recognizes the importance of looking closely at the issue of sludge and septage. At this time we need to consider and try to find solutions to the issue that will be acceptable in the long term. Cities and towns with wastewater treatment plants need to know where the sludge may be disposed and there is a need to look at the raw septage that is pumped from residential tanks and where that will be processed. Vote 14-0.  
Adopted.

**HB 1390**, establishing a committee to study environmental health. OUGHT TO PASS WITH AMENDMENT

Rep. John S. Cobb for Environment and Agriculture: This bill establishes a commission to study the relationship between public health and the environment. The Committee after hearing compelling testimony from the Department of Environmental Services, New Hampshire Comparative Risk Project, Dr. Robert K. McLellan and concerned citizens, felt this Committee should be established. Vote 14-1.

### Amendment (3328h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the relationship between public health and the environment.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that there is a need to build on the work done by the New Hampshire Comparative Risk Project to better understand how medical and public health practices relate to environmental exposures.

2 Commission Established. There is established a commission to study the relationship between public health and the environment.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.



(c) A licensed physician knowledgeable in occupational and environmental medicine, appointed by the governor.

(d) A representative of the New Hampshire Public Health Association, appointed by such association.

(e) A representative of the New Hampshire Health Officer's Association, appointed by such association.

(f) The commissioner of the department of health and human services, or designee.

(g) The commissioner of the department of environmental services, or designee.

(h) The commissioner of insurance, or designee.

(i) The commissioner of agriculture, markets, and food, or designee.

(j) A representative of the Foundation for Healthy Communities, appointed by the foundation.

(k) The director of the New Hampshire Comparative Risk Project.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission's study shall include, but not be limited to the scope of medical and public health practices as they relate to environmental exposures such as, but not limited to: indoor and outdoor air pollution; lead and other heavy metals; food contamination; drinking water contamination; radiation; pesticides; and other public health risks identified by the New Hampshire Comparative Risk Project.

5 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

6 Report. The commission shall make an interim report on its findings and any recommendations for proposed legislation on or before November 1, 2000 and a final report on or before November 1, 2001 to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library.

7 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill establishes a commission to study the relationship between public health and the environment.

Adopted.

Report adopted and ordered to third reading.

**HB 1484-FN-A-L**, establishing a 5 percent tax on gambling winnings as a source of funding public education. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Finance: Dire predictions were made should this tax be enacted. The director of the Sweepstakes Commission saw a fall-off in sales that would cause a net loss, and also pointed out that tri-state megabucks cannot be taxed per the agreement. The Pari-Mutuel director echoed a net loss from horse and dog racing, and the manager of Rockingham Park predicted the demise of his race track. All of these areas already produce revenue. Witnesses detailed how much of the large betting is done by professional gamblers. This group is very sensitive to the odds and very mobile. We would be the first state to impose a tax on gambling long after it was authorized. All the other states that tax gambling had done so since its inception. Those other states generally only taxed winnings above \$5,000, where federal withholding is required. This bill begins taxing winnings at \$600. Revenue from a gambling tax would be difficult to predict; one large jackpot could account for 70% of it. With more negatives than positives the committee did not support the bill. Vote 17-7.

Adopted.

### MOTION TO SPECIAL ORDER

Rep. Mock moved that **CACR 30**, relating to judicial retirement. Providing that a judge may serve after age 70 if appointed by governor and council to a 5-year renewable term, be made a Special Order for Thursday, March 23, 2000 in the Regular Calendar order and spoke in order.

Adopted

### SPECIAL ORDER

**HB 1111**, relative to the adoption by reference of the International Property Maintenance Code for municipalities. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Paul A. McGuirk for the Majority of Municipal and County Government: RSA Chapter 674 governs local land use planning and regulatory powers. Section 674:52 cites eight (8) building codes a municipality may adopt by reference. HB 1111 simply adds an additional code, the International Property Maintenance Code (IPMC). Municipalities can already adopt the IPMC in whole or in part, now, without this bill. The bill simply addresses the manner in which it can be adopted. Finally, this bill does not affect the adoption or enforcement of the IPMC in those municipalities, which adopted all, or a part of that IPMC prior to the effective date of this bill. Vote 9-7.

Rep. Thomas E.P. Rice for the Minority of Municipal and County Government: We have an aversion to any code that smacks of "international", i.e. foreign origin. We believe that all laws of this sort shall be of local genesis because we believe in local control, which cannot be effective if not locally generated. A code this restrictive needs to be understood by the voters and acceptance by reference tends to be overlooked.

Rep. Lockwood spoke against.

Rep. Rice spoke against and yielded to questions.

Reps. McGuirk and O'Neil spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 122 NAYS 227

### YEAS 122

#### BELKNAP

Pilliod, James                      Wood, Jane

#### CARROLL

Bradley, Jeb                      Chandler, Gene                      Patten, Betsey

#### CHESHIRE

Avery, Stephen	Burnham, Daniel	Lynch, Margaret	McGuirk, Paul
Pratt, John	Royce, H Charles	Russell, Ronald	Zerba, Roger

#### COOS

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Marshall, Gene	Nordgren, Sharon	

#### HILLSBOROUGH

Baroody, Benjamin	Brundige, Robert	Buckley, Raymond	Clegg, Robert Jr
Cote, David	Craig, James	Daigle, Robert	Dalianis, Griffin
Drabinowicz, A Theresa	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Foster, Linda	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Herman, Keith
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaRose, Richard	Lasky, Bette	Lozeau, Donnalee
Lynde, Harold	McCarty, Winston	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Milligan, Robert	Moriarty, Mary	Mosher, William
O'Hearn, Jane	Pappas, Marc	Reidy, Frank	Simon, Anthony
Vaillancourt, Steve	White, John	Williams, Carol	

#### MERRIMACK

Davis, Francis	Feuerstein, Martin	French, Barbara	Gile, Mary
Hess, David	Jacobson, Alf	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Wallner, Mary Jane	

**ROCKINGHAM**

Arndt, Janet	Blanchard, MaryAnn	Bridle, Russell	Christie, Andrew Jr
Francoeur, Sheila	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Hutchinson, Rebecca	Kane, Cecelia	Norelli, Terie	Noyes, Richard
O'Neil, Michael	Pantelakos, Laura	Splaine, James	Vaughn, Charles
Weatherspoon, Jackie			

**STRAFFORD**

Brennan, William	DeChane, Marlene	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Twardus, Joseph	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Tuthill, John
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**NAYS 227****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			

**CARROLL**

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Kenney, Joseph
Mock, Henry	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

**CHESHIRE**

Batchelder, Robert	DePecol, Benjamin	Hunt, John	Lerandeau, Alfred
Lynott, Margaret	Manning, Joseph	Meador, David	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Riley, William	Roberts, William
Rose, William	Smith, Edwin		

**COOS**

Davis, Perley	Gallus, John	Glines, Sara	Landers, Dana
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**GRAFTON**

Alger, John	Brothers, Richard	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Mirski, Paul	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Cote, Peter
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul Sr	Fenton, James	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Gagnon, Eugene	Goulet, Maurice
Hansen, Herbert	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Kurk, Neal	LaPorte, George	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lessard, Rudy	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary Ellen	McCarthy, William	McColgan, Philip Jr	McDonough-Wallace, Alice
McRae, Karen	Mercer, Robert	Messier, Irene	Nolan-Piteri, Dawn

O'Connell, Timothy  
Reeves, Sandra  
Tate, Joan  
White, Donald

Ouellette, Dean  
Rowe, Robert  
Thulander, O Alan  
Withee, Dennis

Pepino, Leo  
Sarette, John  
Turgeon, Roland

Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Chase, George  
Hager, Elizabeth  
Lavoie, Gerard  
Marshall, Kenneth  
Owen, Derek  
Virtue, Carolyn

Asplund, Bronwyn  
Crosby, Toni  
Hoadley, Elizabeth  
Leber, William  
Maxfield, Roy  
Potter, Frances  
Wallin, Jean

Bouchard, Candace  
Daneault, Gabriel  
Kennedy, Richard  
Lockwood, Priscilla  
Moore, Carol  
Poulin, Dave  
Whalley, Michael

Brewster, Richard  
Fraser, Marilyn  
Langer, Ray  
Marple, Richard  
Nichols, Avis  
Rosenfield, Jay  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Dearborn, Bruce  
Fesh, Robert  
Gibbons, Paul  
Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
Pitts, Jacqueline  
Raynowska, Bernard  
Sabella, Norma  
Shultis, Elizabeth  
Tufts, J Arthur  
Welch, David

Beaulieu, Jon  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Sapareto, Frank  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Henderson, Warren  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II  
Rubin, George  
Schanda, Frank  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Bishop, Franklin  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Hutchinson, Karen  
Kelley, William  
Letourneau, Robert  
Moore, Benjamin  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Shelton, Richard  
Stitch, C Donald  
Weare, Everett  
Zolla, William

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Taylor, Kathleen  
Woods, Phyllis

Bickford, David  
Keans, Sandra  
Torr, Franklin

Cossette, Larry  
McKinley, Robert  
Tsiros, William

Domingo, Baldwin  
Spear, Barbara  
Vincent, Francis

### SULLIVAN

Donovan, Thomas Jr  
Leone, Richard  
Young, David

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Robb-Theroux, Amy

Kibbey, David  
Wiggins, Celestine

and the majority report failed.

Rep. Rice moved Inexpedient to Legislature.

Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1402-L**, relative to the transfer of excess medical reserve funds to the capital reserve fund.  
**INEXPEDIENT TO LEGISLATE**

Rep. Robert W. Brundige for Municipal and County Government: This bill would have amended RSA-35 to allow towns, school districts, village districts or counties to transfer excess monies in a medical reserve fund to a capital reserve fund. The majority of the Committee felt that this is a local issue and should be resolved at the local level. Additionally, these funds are established by the legislative body. This bill would give the power to accomplish the transfer of these funds to the governing body without any standards or guidelines. The majority of the Committee did not agree with this concept. Vote 11-4.

Adopted.



**HB 1444**, relative to certain municipal ordinances. **INEXPEDIENT TO LEGISLATE**

Rep. William J. Kelley for Municipal and County Government: This bill was introduced to clarify the indoor smoking act with respect to Municipal ordinances. The Committee, by a strong majority vote, agreed that towns and cities should not have the express power to enact ordinances, which restrict smoking more stringently than the state law. Vote 14-4.

Rep. Arthur Pelletier spoke against and yielded to questions.

Rep. Simon spoke in favor.

On a division vote, 233 members having voted in the affirmative and 103 in the negative, the report was adopted.

**HJR 25**, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire. **OUGHT TO PASS**

Rep. J. Arthur Tufts for State-Federal Relations and Veterans Affairs: Before any commercial hemp is grown in New Hampshire, the very restrictive federal regulations need to be licensed in effect. The committee took into their extensive discussion the house votes on commercial hemp but urges the revision to regulations entirely so as to permit the controlled, experimental cultivation of industrial hemp in New Hampshire requiring that it be under carefully controlled conditions by a university affiliated agricultural research station. Vote 10-3.

On a division vote, 209 members having voted in the affirmative and 128 in the negative, the report was adopted.

Ordered to third reading.

**HB 1273**, relative to restricting usage of cellular phones while driving. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Milligan for the Majority of Transportation: This bill prohibits the use of hand held cellular phones while operating a motor vehicle especially due to one's loss of peripheral vision. However, emergency responders, when essential to the discharge of their official duties in an emergency or other extraordinary situations, shall be exempt. Vote 8-7.

Rep. Larry J. Cossette for the Minority of Transportation: This bill would prohibit any hand held cell phone from being used while driving. The minority of the committee completely understands the concerns of the majority of the committee, which is the safe operation of a motor vehicle. However, at that point the minority disagrees that we should be punishing the vast majority of responsible users of cell phones for the careless abuse of a few. The minority of the committee also feels that there are many other bad habits people engage in when driving, such as reading a paper, applying makeup, drinking hot coffee, shaving, reaching for a tape, and we could name many more practices that distract the driver's concentration. The minority of the committee does not feel that the prohibited use of hand held cell phones is going to make irresponsible drivers suddenly act responsible. We must continue to educate the motoring public in safe driving habits for we cannot legislate common sense.

#### **Amendment (3433h)**

Amend the bill by replacing section 1 with the following:

I New Section; Rules of the Road; Prohibited Uses of Cellular Phones While Operating a Motor Vehicle; Emergency Exception. Amend RSA 265 by inserting after section 105 the following new section:

265:105-a Prohibited Uses of Cellular Phones While Operating a Motor Vehicle.

I. No person shall use any type of cellular telephone while actively driving a motor vehicle on a public way. This limitation shall not prevent persons from using programmable telephones built in to motor vehicles, if they are of the variety that do not require hand-held operation. Any person who violates this section shall be guilty of a violation.

II. This section shall not apply to the use of cellular phones by fire, police, ambulance, and other emergency responders when essential to the discharge of their official duties in an emergency or other extraordinary situation.

#### **AMENDED ANALYSIS**

This bill prohibits the use of cellular phones while actively driving a motor vehicle, except by certain emergency personnel in an official capacity.

Adopted.

Rep. Milligan spoke against.

The majority report failed.  
Rep. Milligan moved Refer for Interim Study.  
Adopted.

### SPECIAL ORDER

**HB 1234**, relative to a special commission allowing non-ordained ministers residing out of state to perform marriages in New Hampshire. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Laura C. Pantelakos for Children and Family Law: This permits a non-ordained minister or an authorized individual residing out of state to seek a license from the Secretary of State to perform the marriage ceremony for a couple within the state of New Hampshire. This special one time license is restricted to the named couple. The license must be sought from the Secretary of State. Vote 11-1.

#### Amendment (1234h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to special commissions to perform marriages in New Hampshire.

Amend RSA 457:32 as inserted by section 1 of the bill by replacing it with the following:

**457:32** Special Commission. The secretary of state may issue a special license to an ordained *or non-ordained* minister residing out of the state, *or to an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence*, authorizing him *or her* in a special case to marry a couple within the state. *In the case of an individual residing out of state who is authorized or licensed by law to perform marriages in such individual's state of residence, the secretary of state may require the submission of a copy of a valid commission or other indicia of authority to marry in the individual's state of residence as proof of existence of that authority.* The names and residences of the couple proposed to be married in such special case shall be stated in the license, and no power shall be conferred to marry any other parties than those named therein. The fee for such license shall be \$5. The secretary of state shall keep a permanent record of all such special licenses, which record shall contain the names and residences of the couple to be married and the name and residence of the minister to whom the license is issued.

#### AMENDED ANALYSIS

This bill allows the secretary of state to grant a special commission allowing non-ordained ministers residing out of state and individuals residing out of state who are authorized or licensed by law to perform marriages in such individual's state of residence to perform marriages in New Hampshire.

Adopted.

Rep. Marsha Pelletier spoke against.

Rep. Pantelakos spoke in favor.

Report adopted and ordered to third reading.

**HB 1109**, relative to the modification of spousal support orders. **OUGHT TO PASS WITH AMENDMENT**

Rep. David A. Bickford for Children and Family Law: The amendment creates a 3-year statute of limitation after termination of alimony. Currently there is no limitation. Vote 12-0.

#### Amendment (3577h)

Amend RSA 458:19, VII as inserted by section 2 of the bill by replacing it with the following:

VII. In cases where the court issues an order for permanent alimony for a definite period of time, such order may be modified, upon the petition of either party, provided, that such petition is made within 3 years from the termination date of the permanent alimony order. Nothing in this paragraph shall be construed to change or alter in any way the terms of the original alimony order.

#### AMENDED ANALYSIS

This bill provides that an order for permanent alimony issued for a definite period of time may be modified at any time within 3 years after the termination date of the order.

Adopted.

Report adopted and ordered to third reading.

**HB 1292**, making it a crime to cause the death of an unborn child as a result of committing a violent act against a pregnant woman. **INEXPEDIENT TO LEGISLATE**

Rep. Beth Rodd for Criminal Justice and Public Safety: Pursuant to current assault statutes 631:1 and 631:2, causing injury to a pregnant woman resulting in miscarriage or stillbirth is a class A or B felony. It requires knowledge "mens rea" and intent on the part of the perpetrator. The current law recognizes the severity of violence against a pregnant woman do so, causing miscarriage or stillbirth. Current law imposes a class A or B felony for convictions of RSA 631:1 or 631:2 and a penalty of up to 15 years incarceration. The proposed legislation removed the requirement of "mens rea" because a perpetrator could be charged under the statute without having knowledge of the pregnancy. This violates fundamental criminal law principles and would present constitutional challenges. Vote 13-2.

Reps. Torressen and Kennedy spoke against.

Rep. Rodd spoke in favor.

Rep. Torressen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 283 NAYS 54

### YEAS 283

#### BELKNAP

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boriso, Thomas  
Millham, Alida  
Wood, Jane

Czech, Stanley  
Pilliod, James

Holbrook, Robert  
Thomas, John

#### CARROLL

Babson, David Jr  
Howard, Godfrey  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

### CHESHIRE

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Pratt, John  
Rose, William  
Zerba, Roger

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara  
Royce, H Charles

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Russell, Ronald

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Roberts, William  
Smith, Edwin

### COOS

Davis, Perley  
Horton, Lynn  
Tholl, John Jr

Gallus, John  
Landers, Dana  
Woodward, David

Glines, Sara  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Ham, Bonnie  
Phinney, William

Alger, John  
Densmore, Jessica  
Harmon, Hobart  
Picconi, Al

Almy, Susan  
Eaton, Stephanie  
Marshall, Gene  
Scanlan, David

Cobb, John  
Guest, Robert  
Nordgren, Sharon  
Ward, Brien

### HILLSBOROUGH

Ahern, Richard  
Arthur, Rose  
Bergin, Peter  
Calawa, Leon Jr  
Cote, David  
Dalianis, Griffin  
Durham, Susan  
Fields, Dennis

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Carlson, Donald  
Cote, Peter  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard

Andrews, Frederick  
Belvin, William  
Bruno, Pierre  
Chabot, Robert  
Craig, James  
Desrosiers, William  
Emerton, Lawrence  
Ford, Nancy

Arnold, Thomas Jr  
Bergeron, Lucien  
Buckley, Raymond  
Christiansen, Lars  
Daigle, Robert  
Dokmo, Cynthia  
Fenton, James  
Foster, Linda

Gagnon, Eugene  
Goulet, Maurice  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Lessard, Rudy  
McCarthy, William  
Melcher, Harold  
Milligan, Robert  
O'Hearn, Jane  
Sarette, John  
Turgeon, Roland  
Williams, Carol

Garrish, Linda  
Haettenschwiller, Alphonse  
Herman, Richard  
Keye, Harvey  
Lasky, Bette  
Lozeau, Donnalee  
McCarty, Winston  
Mendenhall, Leslie  
Moriarty, Mary  
Pappas, Marc  
Sargent, Maxwell  
Vaillancourt, Steve  
Withee, Dennis

Ginsburg, Ruth  
Hall, Betty  
Hunter, Bruce  
Konys, Christine  
Leishman, Peter  
Lynde, Harold  
McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Peterson, Andrew  
Simon, Anthony  
White, Donald

Gorman, Mary  
Hansen, Herbert  
Jean, Loren  
Kurk, Neal  
Leonard, Peter  
Martin, Mary Ellen  
McRae, Karen  
Messier, Irene  
O'Connell, Timothy  
Rowe, Robert  
Thulander, O Alan  
White, John

### MERRIMACK

Anderson, Eric  
Chase, George  
French, Barbara  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Moore, Carol  
Poulin, Dave  
Seldin, Gloria  
Whalley, Michael

Asplund, Bronwyn  
Crosby, Toni  
Gile, Mary  
Jacobson, Alf  
Marple, Richard  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Whittemore, James

Bouchard, Candace  
Davis, Francis  
Hager, Elizabeth  
Langer, Ray  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Wallin, Jean

Brewster, Richard  
Feuerstein, Martin  
Hess, David  
Leber, William  
Maxfield, Roy  
Potter, Frances  
Rosenfield, Jay  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Christie, Andrew Jr  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Hutchinson, Karen  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Raynowska, Bernard  
Sapareto, Frank  
Splaine, James  
Varrell, Thomas  
Weatherspoon, Jackie

Beaulieu, Jon  
Clark, Martha  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
Morse, Charles  
Packard, Sherman  
Reardon, Neil  
Schanda, Frank  
Stone, Joseph  
Vaughn, Charles  
Welch, David

Belanger, Ronald  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Gibbons, Paul  
Johnson, Robert  
Kelley, William  
Letourneau, Robert  
Norelli, Terie  
Pantelakos, Laura  
Ruffner, Walter  
Shelton, Richard  
Stritch, C Donald  
Verani, Giovanni  
Whittier, John

Blanchard, MaryAnn  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Kane, Cecelia  
Kobel, Rudolph  
Major, Norman  
Noyes, Richard  
Pitts, Jacqueline  
Sabella, Norma  
Shultis, Elizabeth  
Tufts, J Arthur  
Weare, Everett  
Zolla, William

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Taylor, Kathleen  
Vachon, Dennis

Brennan, William  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Torr, Franklin  
Wall, Janet

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Tsiros, William

Cossette, Larry  
Estabrook, Iris  
Kaen, Naida  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Twardus, Joseph

### SULLIVAN

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Tuthill, John

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Flint, Gordon Sr  
Phinizy, James



**NAYS 54****BELKNAP**

Boyce, Robert  
Wendelboe, Francine

Johnson, James

Rice, Thomas

Rosen, Ralph

**CARROLL**

Kenney, Joseph

Torressen, Gary

**CHESHIRE**

Manning, Joseph

**COOS**

None

**GRAFTON**

Brothers, Richard  
Hinman, Harry

Dudley, Terri  
Mirski, Paul

Gilman, G Michael  
Weber, Phil

Hall, David

**HILLSBOROUGH**

Batula, Peter  
Drabinowicz, A Theresa  
Jean, Claudette  
McGough, Tim  
Reeves, Sandra

Beaupre, Roland  
Dwyer, Paul Sr  
MacGillivray, Jeffrey  
Nolan-Piteri, Dawn  
Tate, Joan

Clegg, Robert Jr  
Flora, Kathleen  
Martel, Andre  
Ouellette, Dean  
Wall, Nancy

Daniels, Gary  
Holley, Sylvia  
McColgan, Philip Jr  
Pepino, Leo

**MERRIMACK**

Daneault, Gabriel

Kennedy, Richard

Lavoie, Gerard

St Cyr, Gerard

**ROCKINGHAM**

Arndt, Janet  
Hamel, Albert  
Priestley, Anne  
Weyler, Kenneth

Bishop, Franklin  
Henderson, Warren  
Putnam, Ed II

Grant, Kenneth  
Nowe, Mary Lou  
Quandt, Marshall

Griffin, Mary  
Nowe, Ronald  
Stickney, Nancy

**STRAFFORD**

Woods, Phyllis

**SULLIVAN**

Donovan, Thomas Jr  
and the report was adopted.

**HB 1226**, relative to vacancies in the office of United States senator **INEXPEDIENT TO LEGISLATE**

Rep. Sandra J. Reeves for Election Law: This bill requires the consent of the Executive Council for temporary appointment by the governor to fill a vacancy in the office of US senator. The committee felt that the current system has been in effect since 1912 and has been sufficient. For example, Governor Gallen appointed Warren Rudman to the Senate after (Sen.) John Durkin resigned his position. No other state has this provision. The committee feels the system has worked well and there is no need for a change at this time. Vote 15-0.

Rep. Wendelboe spoke against and yielded to questions.

Rep. Francis Davis spoke in favor.

On a division vote, 268 members having voted in the affirmative and 56 in the negative, the report was adopted.

**HB 1339-FN-L**, relative to the local option to exempt taxation of certain excavation activity. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Finance: This is not the time to change the excavation and excavation activity tax law. Vote 20-4.  
Adopted.

**HB 1387-L**, relative to pre-existing school districts within a cooperative school district. **INEXPEDIENT TO LEGISLATE**

Rep. Jean R. Wallin for Finance: This bill would require that financial aid to a cooperative school district treat the towns as if a cooperative district had not been formed. In the cases that the committee examined, the towns with lower valuations would be penalized for the benefit of the towns that are richer in valuation. The committee does not suggest that the current law governing distribution is a model of perfection, but, since it will be in effect for a short period of time, only confusion would be created for cooperative school districts if it were to be altered now. The commissions studying educational adequacy and tax equity will address distribution as well as other elements of education funding. Vote 24-0.

Rep. Jacobson spoke against.  
Rep. Major spoke in favor and yielded to questions.  
Rep. Wallin spoke in favor.  
Adopted.

**HB 1461-FN-A-L**, relative to an education property tax exemption and school choice. **INEXPEDIENT TO LEGISLATE**

Rep. David J. Alukonis for Finance: This bill would assert a statutory affirmation that individual property taxpayers may claim a constitutional exemption from paying the educational property tax in support of schools. The sponsors argue that the course of studies provided in our public schools is religious in nature, calling it secular humanism which the US Supreme Court, by footnote, has called a religion "which do(es) not teach what would generally be considered a belief in the existence of God. The committee does not concur that such a constitutional exemption exists nor with the argument that our public schools are religious in nature. The proper venue for review and determination of constitutional rights is in the courts of the judiciary. Vote 23-1.

Reps. Torressen and Mirski spoke against.  
Rep. Alukonis spoke in favor and yielded to questions.  
Rep. Torressen requested a roll call; sufficiently seconded.  
The question being the adoption of the report.

**YEAS 275 NAYS 35**

**YEAS 275**

**BELKNAP**

Bartlett, Gordon	Czech, Stanley	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine	Wood, Jane		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Roberts, William	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Ham, Bonnie
Hinman, Harry	Marshall, Gene	Nordgren, Sharon	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Dalianis, Griffin	Desmarais, Vivian	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Gorman, Mary	Goulet, Maurice	Haettenschwiler, Alphonse	Hall, Betty
Herman, Keith	Herman, Richard	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lozeau, DonnaLee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	McCarthy, William	McCarty, Winston
McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moriarty, Mary
Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sarette, John	Sargent, Maxwell	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
French, Barbara	Gile, Mary	Hoadley, Elizabeth	Jacobson, Alf
Langer, Ray	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Moore, Carol	Nichols, Avis	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Christie, Andrew Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Morse, Charles	Norelli, Terie	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Weatherspoon, Jackie	Whittier, John	Zolla, William	

**STRAFFORD**

Brennan, William	Brown, Julie	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha

Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Smith, Marjorie  
Tsiros, William

Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Tuthill, John

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas Jr  
Phinizy, James

### NAYS 35

### BELKNAP

Boriso, Thomas

Boyce, Robert

Holbrook, Robert

Johnson, James

### CARROLL

Mock, Henry

Sullivan, P Judith

Torressen, Gary

### CHESHIRE

None

### COOS

None

### GRAFTON

Brothers, Richard  
Mirski, Paul

Cobb, John

Gilman, G Michael

Hall, David

### HILLSBOROUGH

Batula, Peter  
Jean, Loren  
Wall, Nancy

Bruno, Pierre  
Martin, Mary Ellen

Daniels, Gary  
McRae, Karen

Fletcher, Richard  
Ouellette, Dean

### MERRIMACK

Kennedy, Richard

Lavoie, Gerard

Marple, Richard

Soltani, Tony

### ROCKINGHAM

Hamel, Albert  
Putnam, Ed II  
Weyler, Kenneth

Kelley, William  
Quandt, Marshall

Nowe, Mary Lou  
Stickney, Nancy

Nowe, Ronald  
Welch, David

### STRAFFORD

Woods, Phyllis

### SULLIVAN

None

and the report was adopted.

**HB 1532**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: The intent of this bill is to exempt military retired pay, disability pay, or retainer pay from a state income tax. Since no such tax presently exists, such change in the law is premature. Furthermore, the committee knows that should an income tax be enacted, this subject would be included in the debate and the discussion. Vote 22-0.

Reps. Rosen and Guay spoke against.

Rep. Foster spoke in favor.

Adopted.



**HB 1360**, prohibiting full-time judges from earning income from sources other than judicial salaries. **INEXPEDIENT TO LEGISLATE**

Rep. Alf E. Jacobson for Judiciary: While the Judiciary Committee feels that this proposed change in the statutes regarding outside earned income by members of the judiciary does not meet the real needs in this problem, the committee believes that the outside teaching activity by Justice Thayer as a full-time judge requires the most careful future scrutiny in the interest of the good administration of justice. The Supreme Court has moved to limit to 15% of the judicial salary any teaching of studies in the law by judges. The committee position is that the Supreme Court, through its rules, has the clear responsibility in this matter. However, the Judiciary Committee is committed to review the situation periodically. Vote 14-0.

Adopted.

**HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This House Concurrent Resolution and its amendment levels the playing field for banking consumers in New Hampshire. When interstate banks do business in New Hampshire, they should adhere to the laws of New Hampshire and subdivisions of this state. The amendment gives New Hampshire residents more control over their banking interests. Vote 13-0.

Rep. Tufts moved Re-Commit to Committee and spoke in favor.

Adopted.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 23, 2000 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 1242**, relative to the standard for modification of a child custody order.

**HB 1160**, relative to access to the enhanced 911 system.

**HB 1405**, exempting 50/50 raffles from the laws regulating games of chance.

**HB 1570-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

**HB 1191-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

**HB 1172**, providing staggered terms for agricultural advisory board members.

**HB 1185**, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000.

**HB 1404**, creating a study committee to address mechanisms for the preservation or disposal of state records.

**HB 1113**, raising the maximum price for lucky 7 tickets.

**HB 1282**, establishing a committee to study the possibility of self-insuring state employees.

**HB 1321**, relative to certain funds collected by order of the public utilities commission.

**HB 1319**, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study.

**HB 1139**, establishing a committee to study involuntary emergency admission hearings.

**HB 1171**, restricting the payment of salaries to suspended judicial officers.

**HB 1239**, relative to durable powers of attorney.

**HB 1326**, relative to managed care programs under workers' compensation.

**HB 1582**, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

**HB 1194**, relative to the composition of planning boards in certain cities.

**HB 1541-FN-L**, relative to the cremation of deceased persons.

**HJR 20**, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

**HB 1617-FN**, relative to suspension of a driver's license for sufficient cause.

**SB 348**, extending the committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire.

**SB 362**, relative to the length of buses and single unit vehicles.

**SB 356**, extending the committee to study and identify or establish the duties of the fish and game commission.

**HB 1548-FN**, abolishing the death penalty.

**HB 1327**, relative to residency of prisoners for purposes of voter registration.

**HB 1331**, relative to campaign contributions by corporations.

**HB 1390**, establishing a commission to study the relationship between public health and the environment.

**HJR 25**, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire.

**HB 1234**, relative to special commissions to perform marriages in New Hampshire.

**HB 1109**, relative to the modification of spousal support orders.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1620 and House Concurrent Resolution numbered 34 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILL and HCR

### First, second reading and referral

**HB 1620-FN**, relative to driver record information. (Kurk, Hills 5; Jacobson, Merr 2; Letourneau, Rock 13; Packard, Rock 29; Copenhagen, Graf 10; Gordon, Dist 2; Below, Dist 5: Transportation)

**HCR 34**, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers. (E. Gagnon, Hills 48; Tufts, Rock 20; Rubin, Rock 25; R. Herman, Hills 1; Twardus, Straf 13; Johnson, Dist 3; Roberge, Dist 9; J. King, Dist 18; D'Allesandro, Dist 20; Krueger, Dist 16: State-Federal Relations and Veterans Affairs)

## SENATE MESSAGES

### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 97**, relative to the right to farm

The President appointed Sens. Below, Wheeler and Krueger.

**HB 228**, clarifying permissible political expenditures.

The President appointed Sens. Trombly, Eaton and McCarley.

**HB 553-FN-A**, establishing a commission on the status of men.

The President appointed Sens. Cohen, Larsen and Brown.

## UNANIMOUS CONSENT

Rep. Lynde addressed the House.

## PERSONAL PRIVILEGE

Rep. Jacobson addressed the House.

## RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate Messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:55 p.m.

**REPORT**

Speaker Sytek reported that Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton had been selected to serve as the House Chaplain

**RECESS**

**(Rep. Hess in the Chair)**

**RESOLUTION**

Rep. Kurk offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Constitutional Amendment Concurrent Resolution numbered 39 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF CACR****First, second reading and referral**

**CACR 39**, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total annual statewide cost of public education for kindergarten through grade 12 and that the general court shall have the power to apportion this amount by statute; that the state shall support access to a continuum of educational opportunities including early childhood and postsecondary education at a financial level deemed appropriate by statute; and that beginning April 1, 2001, no property tax in any form shall be used to fund the state's obligation to cherish and support public education. (Peterson, Hills 8; Scanlan, Graf 11; Vaughn, Rock 35; Johnson, Dist 3; Brown, Dist 17: Finance)

**SENATE MESSAGE****CONCURRENCE**

**HB 730-FN**, establishing a house committee to review methods for recording committee sessions, authorizing a request for proposals, and making an appropriation therefor.

**HB 1136**, relative to the university system of New Hampshire board of trustees.

**HB 1141**, relative to access highways to public waters.

**HB 1186**, extending the reporting date of the Sullivan county regional refuse disposal district issues study committee.

**HB 1223**, changing the name, amending the duties, and extending the reporting date of the committee to study the unclassified salary structure for state officers.

**HB 1386**, designating segments of the Souhegan River as protected under the rivers management and protection program.

**HB 1397**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough.

**HCR 25**, a resolution opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry.

**RECESS**

**(Rep. Mercer in the Chair)**

**RESOLUTION**

Rep. Royce offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1621 and House Joint Resolution numbered 26 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL AND HJR****First, second reading and referral**

**HB 1621-FN**, allowing administrative home confinement for habitual offenders. (Lozeau, Hills 30; Knowles, Straf 11; Tholl, Coos 5; Hollingworth, Dist 23: Criminal Justice and Public Safety)

**HJR 26**, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. (Wendelboe, Belk 2; Bradley, Carr 8; Chandler, Carr 1; Gordon, Dist 2; F. King, Dist 1; Johnson, Dist 3; D'Allesandro, Dist 20; Wheeler, Dist 21: State-Federal Relations and Veterans Affairs)

## RESOLUTION

Rep. Royce offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 303, 305, 315, 320, 330, 338, 339, 343, 347, 375, 378, 386, 393, 414, 416, 418, 424, 426, 432, 443, 444, 445, 446, 448 and 453 and Senate Concurrent Resolutions numbered 3 and 4 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.  
Adopted.

## INTRODUCTION OF SENATE BILLS AND SCRs

### First, second reading and referral

**SB 303**, relative to campaign contributions by business organizations. (Election Law)

**SB 305**, relative to payments to defeat eviction for nonpayment of rent. (Judiciary)

**SB 315**, changing the form for writs of execution. (Judiciary)

**SB 320**, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000. (Education)

**SB 330**, establishing a committee to study the impact of water withdrawals on instream flows. (Resources, Recreation and Development)

**SB 338**, relative to trustee process. (Judiciary)

**SB 339-FN**, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth. (Public Works and Highways)

**SB 343**, relative to disclosures concerning sexual offenders in sales of real property. (Commerce)

**SB 347-L**, relative to the contributory retirement system of the city of Manchester. (Municipal and County Government)

**SB 375**, relative to motor vehicle dealerships. (Commerce)

**SB 378**, relative to Article 9 of the Uniform Commercial Code. (Commerce)

**SB 386-FN-L**, relative to names on birth certificates and affidavits of paternity. (Children and Family Law)

**SB 393**, relative to single producer licensing. (Commerce)

**SB 414-FN**, reorganizing the divisions of the department of corrections. (Executive Departments and Administration)

**SB 416-FN**, relative to licensure of dietitians. (Executive Departments and Administration)

**SB 418**, relative to liquor liability insurance coverage. (Commerce)

**SB 424**, relative to controlled substances used for pain management. (Judiciary)

**SB 426-FN**, relative to boat dealers and repairers. (Transportation)

**SB 432-FN-A**, relative to state assistance for teachers applying for national board certification. (Education)

**SB 443-FN**, relative to veterinarian reimbursement for the animal population control program. (Environment and Agriculture)

**SB 444-FN**, relative to methadone maintenance treatment. (Criminal Justice and Public Safety)

**SB 445-FN**, relative to methadone maintenance treatment. (Criminal Justice and Public Safety)

**SB 446**, relative to the integration of information technology at the state, county and municipal levels. (Executive Departments and Administration)

**SB 448**, establishing a guardians ad litem board. (Children and Family Law)

**SB 453**, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges. (Finance)

**SCR 3**, a resolution rescinding the 1979 call for a federal constitutional convention. (State-Federal Relations and Veterans Affairs)

**SCR 4**, urging the federal government to establish a new zip code for the town of Madbury. (State-Federal Relations and Veterans Affairs)

## RECESS

(Rep. Chandler in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 1136**, relative to the university system of New Hampshire board of trustees.



**Amendment (3754-EBA)**

Amend section 1 of the bill by replacing line 3 with the following:  
The general government of the university system  
Adopted.

**HB 1386**, designating segments of the Souhegan River as protected under the rivers management and protection program.

**Amendment (3753-EBA)**

Amend section 1 of the bill by replacing line 8 with the following:  
point 0.5 miles below the Otis Dam.  
Adopted.

**RECESS**

**(Rep. Keith Herman in the Chair)**

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill 1622 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.  
Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1622-L**, relative to budget information in town reports in towns which have adopted the official ballot referenda form of meeting. (Lynde, Hills 24; Patten, Carr 9; Griffin, Rock 27; Klemm, Dist 22; Below, Dist 5: Municipal and County Government)

**RECESS**

**(Rep. Mercer in the Chair)**

**RESOLUTION**

Rep. Welch offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1623 and 1624 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

**INTRODUCTION OF HOUSE BILLS****First, second reading and referral**

**HB 1623**, relative to the disclosure of customer financial information by financial institutions. (Kurk, Hills 5; Keans, Straf 16; Below, Dist 5; Gordon, Dist 2; F. King, Dist 1: Commerce)

**HB 1624**, relative to administrative rules concerning sales of pari-mutuel pools. (Dyer, Hills 8; Emerton, Hills 7; F. King, Dist 1: Executive Departments and Administration)

**SENATE MESSAGES****CONCURRENCE**

**HB 86-A**, making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

**HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services.

**HB 580**, authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination.

**HB 1150**, relative to voter registration for official ballot meetings.

**HB 1566-FN**, relative to perambulation between states.

**HB 1616-FN**, relative to registration fees for certain construction equipment vehicles.

**HCR 22**, a resolution urging the federal government to ensure that defense appropriations are spent in support of defense programs.

**NONCONCURRENCE**

**HB 407**, establishing a committee to study unsolicited commercial telephone solicitation calls.

**RECESS**

**(Rep. Keith Herman in the Chair)**

**RESOLUTION**

Rep. Calawa offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 310, 312, 316, 349, 353, 364, 389, 394, 408, 409, 415, 419, 420, 425, 439, 447, 452 and 454 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 310**, relative to New Hampshire state-chartered banks and interstate banking. (Commerce)

**SB 312**, relative to fluoride. (Municipal and County Government)

**SB 316**, relative to "most favored nation" or "equally favored nation" provisions in insurance provider contracts. (Commerce)

**SB 349**, relative to the sale of the marital residence or other real property in a domestic proceeding. (Children and Family Law)

**SB 353**, relative to sales of insurance by financial institutions. (Commerce)

**SB 364**, relative to benefits for permanent bodily losses under workers' compensation. (Labor, Industrial and Rehabilitative Services)

**SB 389-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. (Executive Departments and Administration)

**SB 394-FN**, making miscellaneous changes in the insurance laws. (Commerce)

**SB 408**, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals. (Environment and Agriculture)

**SB 409-FN**, relative to health insurance coverage of qualified clinical trials. (Commerce)

**SB 415-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Executive Departments and Administration)

**SB 419-FN**, establishing the crime of negligent storage of a firearm. (Criminal Justice and Public Safety)

**SB 420-FN**, increasing the penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening. (Criminal Justice and Public Safety)

**SB 425-FN**, relative to the private activity bond limit. (Finance)

**SB 439-FN**, relative to motor vehicle offenses resulting in serious bodily injury. (Criminal Justice and Public Safety)

**SB 447-FN**, relative to campaign contributions and expenditures. (Election Law)

**SB 452**, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses. (Criminal Justice and Public Safety)

**SB 454**, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license. (Commerce)

**RECESS**

**(Rep. Chandler in the Chair)**

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 580, 730, 1136, 1141, 1186, 1223, 1386, 1397 and 1616 and Senate Bills 348, 356 and 362.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

## RECESS

(Rep. Chandler in the Chair)

## RESOLUTION

Rep. John Flanders offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 302, 308 and 374 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF SENATE BILLS

## First, second reading and referral

**SB 302**, relative to certain employment requirements for liquor licensees. (Criminal Justice and Public Safety)

**SB 308**, relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties. (Judiciary)

**SB 374**, relative to the duties of the study committee on land management, protection of farmland, rural character, environmental quality, and sprawl. (Environment and Agriculture)

## RECESS

(Speaker Sytek in the Chair)

Rep. Chandler moved that the House adjourn. Adopted.

**HOUSE JOURNAL No. 10**

Thursday, March 23, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Gentle Creator of all that is, seen and unseen, we thank You for the wonderful gift of life and citizenship in this beautiful state. We especially thank You for the many state employees who work diligently beyond the limelight for our comfort and safety. This morning we especially remember Don and Miriam Shumway, their family and their beloved son, Jake. As the warm days and cool nights of March encourage the sugar maples to awaken from their winter's rest to share the sweetness of Your creation, so awaken us that we may tap the deep resources of Your goodness as a blessing upon all that is done in this hallowed chamber today. Amen.

Rep. Phyllis Katsakiores led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Avery, Patricia Cote, Guest, LaMott, Lovejoy, MacNeil, Perkins and Searles, the day, illness. Reps. Asplund, Bergin, Cox, Franks, William Kelley, Konys, Lavoie, Lynott, Manning, William McCarthy, McRae, Musler, Robertson and Torressen, the day, important business.

Rep. Boriso, the day, death in the family.

Rep. Dawe, the day, illness in the family.

**INTRODUCTION OF GUESTS**

Former NH Reps. Richard and Eleanor Amidon, guests of the House. Lois Spearman, guest of Rep. Virtue. Tim Sarette, guest of Rep. Sarette. Alex Ward, guests of Reps. Edwin Smith and Roberts. Peggy Gallus, wife of Rep. Gallus. Anne Maxwell, sister of Rep. Francis Davis. Sr. Louise Vaillancourt, guest of Rep. Leber.

**SPECIAL GUESTS**

Peter Petrigno, New Hampshire Teacher of the Year, guest of the House.

The Groveton High School Girls' and Boys' basketball teams, guests of the House.

**COMMUNICATION**

March 22, 2000

Karen Wadsworth, Clerk of the House.

Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Belknap, 5, David H. Russell, r, Gilmanton, (PO Box 60, Gilmanton IW ) 03837

William M. Gardner, Secretary of State

**VACATE**

Rep. Kurk moved that the House vacate the reference of *SB 425-FN*, relative to the private activity bond limit, to the Committee on Finance.

Adopted and referred to the Committee on Commerce.

**SENATE MESSAGES****ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

*HB 75*, changing the number required for a quorum on the commission for human rights.

The President appointed Sens. Cohen, Larsen and Roberge.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

*HB 449-FN*, requiring boating safety education. (Amendment printed SJ 3/9/00)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.



**HB 1198**, establishing a procedure for the 2001 voter checklist verification. (Amendment printed SJ 3/16/00)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clegg, Horton, Stritch and Buckley.

**HB 1200-FN**, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief. (Amendment printed SJ 3/9/00)

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Major, Anderson, Nichols and Wallin.

**HB 1287**, relative to the membership of the water council. (Amendment printed SJ 3/16/00)

Rep. Royce moved that the House concur and spoke in favor.

Adopted.

**HB 1378**, establishing a task force to conduct an ongoing study of the feasibility of reestablishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. (Amendment printed SJ 3/16/00)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 1409**, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line. (Amendment printed SJ 3/16/00)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

**HB 1455**, relative to the authority of the fish and game department for the electronic issuance of licenses, permits, stamps, and tags. (Amendment printed (SJ 3/9/00)

Rep. Ronald Nowe moved that the House concur and spoke in favor.

Adopted.

**HCR 21**, urging the federal government to increase the pay to military personnel. (Amendment printed SJ 2/16/00)

Rep. Tufts moved that the House concur and spoke in favor.

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1260-FN**, relative to the cost of prescription medication, removed by Rep. Andrews.

**HB 1540-FN**, prohibiting certain transfers of information, removed by Rep. Quandt.

**HB 1154-FN**, prohibiting general fund appropriations and transfers of general fund surplus to supplement the education trust fund, removed by Rep. Jacobson.

**HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue, removed by Rep. Jacobson.

**HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied, removed by Rep. Betty Hall.

Consent Calendar adopted.

**HB 1108**, relative to waiver of attendance at child impact seminars. INEXPEDIENT TO LEGISLATE

Rep. Irene A. Pratt for Children and Family Law: The language of the bill appeared to create more problems than it attempted to solve. The Child Impact Seminar law allows for judicial discretion in granting waivers. Relevant issues will be addressed by the court administratively rather than by legislative action. Vote 15-1.

**HB 1238**, relative to the collection and disbursement of support orders by the department of health and human services. REFER FOR INTERIM STUDY

Rep. Mary Stuart Gile for Children and Family Law: This bill proposes to repeal RSA 458-B:3, III, a statute relating to enforcement of child support. The committee voted interim study to allow time to examine both state and federal laws regarding child support obligations and to define protocols and procedures agreeable to various parties affected. Vote 14-0.

**HB 1333-L**, relative to the establishment of parenting plans. REFER FOR INTERIM STUDY

Rep. Julie M. Brown for Children and Family Law: This is an important bill that will help parents and their children. It will need extensive time for research in order to implement "parenting programs" for families. Vote 14-0.

**HB 1443-FN**, requiring a hearing prior to issuance of statement of findings on the suspension, revocation, or denial of a daycare provider's license. REFER FOR INTERIM STUDY

Rep. Laura C. Pantelakos for Children and Family Law: This bill concerns administrative hearings, appeals, etc. in regard to daycare providers' licenses. The committee believes that, at the initial hearing, an impartial party should be involved. A bill will be introduced in the next biennium to identify and address this issue. Vote 16-0.

**HB 1498**, establishing a committee to study child support and parental involvement issues. INEXPEDIENT TO LEGISLATE

Rep. Pamela D. Coughlin for Children and Family Law: After much discussion the committee voted ITL due to the many issues involved and the time allotted. The Federal Family Support Act of 1988 requires states to review guidelines for child support at least every 4 years. This bill should be addressed in the next legislative session. Vote 12-1.

**SB 357**, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect. OUGHT TO PASS WITH AMENDMENT

Rep. Thomas I. Arnold, Jr. for Children and Family Law: This bill simply extends the reporting date of the study committee to March 15, 2000. Vote 13-0.

#### Amendment (3692h)

Amend 1999, 29:5 as inserted by section 1 of the bill by replacing it with the following:

29:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before ~~[November 1, 1999]~~ *March 15, 2000*.

#### AMENDED ANALYSIS

This bill extends the reporting date of the study committee established in 1999, 29, relative to field activities conducted by the department of health and human services involving children, youth, and families from November 1, 1999 to March 15, 2000.

**HB 1119**, establishing a commission to investigate health care issues. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: This bill would have established a three-year commission to investigate health care issues. The committee agrees with the sponsors concerning the current status of the health care industry in the State of New Hampshire and has agreed to look into these issues in the extended and expanded chapter study requested in HB 1183. Vote 20-0.

**HB 1135**, establishing a committee to study whether the governor should mediate negotiations between health care providers and insurance companies. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: This bill was a response to a situation that developed in the Seacoast when APEX, a Physician Hospital Organization, refused to negotiate with Tufts Health Plan. The sponsors' intent to study whether the governor should mediate in broken down negotiations between health care providers and insurance companies is well intentioned, but the committee felt that such a study was unnecessary and believes the governor has the power of the office to intercede when needed for the health and safety of New Hampshire citizens. Vote 20-0.

**HB 1174**, establishing a committee to study the feasibility of creating an umbrella-type agency for health care. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: There is currently an interagency work group composed of the Department of Insurance, the Attorney General's Office, the Governor's Office and the Department of Health and Human Services, whose function is to establish systems for monitoring the health care market. The committee felt another study in this area would be redundant and will monitor the progress of this work group as part of the responsibilities of the extended and expanded chapter study requested under HB 1183. Vote 19-0.

**HB 1240**, establishing a prompt payment law for managed care organizations. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will ensure that health care providers receive payment from the health carriers in 15 days if the claim is submitted in electronic form or 45 days if the claim is submitted in written form. The bill defines a "clean claim" and an "electronic claim" and also outlines the process to be followed in case of noncompliance. Vote 19-0.

#### **Amendment (3720h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring insurers to make prompt payments.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 8 the following new section:

415:8-a Prompt Payment Required.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or certificate holders within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and insurer contract. If the insurer is denying the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Notwithstanding any provision of law to the contrary, no penalties shall apply until the health care provider has notified the insurer in writing of the insurer's noncompliance with this section and the carrier fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the insurer fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim shall be recoverable by the provider from the insurer. The commissioner may assess a fine to any insurer after determining that the insurer has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to an internal or external review process.



2 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 18-b the following new section:

415:18-bb Prompt Payment Required.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or certificate holders within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and insurer contract. If the insurer is denying the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Notwithstanding any provision of law to the contrary, no penalties shall apply until the health care provider has notified the insurer in writing of the insurer's noncompliance with this section and the insurer fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the insurer fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim shall be recoverable by the provider from the insurer. The commissioner may assess a fine to any insurer after determining that the insurer has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to an internal or external review process.

3 New Section; Prompt Payment Required. Amend RSA 420-A by inserting after section 9 the following new section:

420-A:9-a Prompt Payment Required.

I. Every health service corporation, and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses shall pay health care providers or subscribers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and corporation contract. If the health service corporation is denying the claim, the corporation shall have 15 calendar days upon receipt of the claim to notify the health care provider or subscriber of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health service corporation on the corporation's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the corporation's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the corporation.

III. Notwithstanding any provision of law to the contrary, no penalties shall apply until the health care provider has notified the health service corporation in writing of the corporation's



noncompliance with this section and the corporation fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the health service corporation fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against a corporation for payment of the claim shall be recoverable by the provider from the corporation. The commissioner may assess a fine to any health service corporation after determining that the corporation has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No health service corporation shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the corporation's compliance is rendered impossible due to matters beyond the corporation's control which are not caused by such corporation.

(b) No health service corporation shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No corporation shall be in violation of this section while the claim is pending due to an internal or external review process.

4 New Section; Prompt Payment Required. Amend RSA 420-J by inserting after section 8 the following new section:

420-J:8-a Prompt Payment Required.

I. Health carriers issuing health benefit plans subject to this chapter shall pay claims submitted by health care providers for services rendered in New Hampshire to covered persons within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim or as otherwise stipulated in the provider and health carrier contract. If the health carrier is denying the claim, the carrier shall have 15 calendar days upon receipt of the claim to notify the health care provider or covered person of the reason for denial and what additional information is required to process the claim.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health carrier on the carrier's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the carrier's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the health carrier.

III. Notwithstanding RSA 420-J:14, no penalties shall apply until the health care provider has notified the health carrier in writing of the carrier's noncompliance with this section and the carrier fails to pay the claim within 10 days thereafter. Any claim not paid within the above time periods or in accordance with contract provisions shall be deemed overdue. When the health carrier fails to pay a claim when due or according to contract provisions, the amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due. Reasonable attorneys' fees for advising and representing a health care provider in a successful action against a health carrier for payment of the claim shall be recoverable by the provider from the health carrier. The commissioner may assess a fine to any health carrier after determining that the carrier has established a pattern of overdue payments; provided, that such fine shall be up to \$5,000 per violation and shall not exceed \$100,000.

IV. Notwithstanding the provisions of this section:

(a) No health carrier shall be in violation of this section for a claim submitted by a health care provider if failure to comply is caused by a directive from a court or a federal or state agency or if the carrier's compliance is rendered impossible due to matters beyond the carrier's control which are not caused by such carrier.

(b) No health carrier shall be in violation of this section for any claim submitted 90 days after the service was rendered.

(c) No health carrier shall be in violation of this section while the claim is pending due to an internal or external review determination pursuant to RSA 420-J:5, or RSA 420-J:5-a-e.

5 Effective Date. This act shall take effect January 1, 2001.

## AMENDED ANALYSIS

This bill requires insurers offering health benefit plans to pay health care providers or the insured person in a timely manner.

**HB 1255**, establishing a government competition competitive neutrality study committee **INEXPEDIENT TO LEGISLATE**

Rep. Keith R. Herman for Commerce: While the committee feels there is some merit to the sponsor's concerns that government competes with the private sector and sometimes creates inefficiencies, the committee doesn't believe a study committee is necessary. The sponsor should bring in specific legislation to deal with a specific problem. Vote 16-0.

**HB 1278**, establishing a committee to investigate bank foreclosures on homeowners' properties and bank overdraft fees. **INEXPEDIENT TO LEGISLATE**

Rep. Tara G. Reardon for Commerce: The committee heard no testimony with regard to any criminal behavior or actions that constitute robbery by any banks following the statutory power of sale under RSA 479, or charging bank fees. The committee felt that this legislation was not necessary at this time. Vote 17-1.

Rep. Dalianis declared a conflict of interest and did not participate.

**HB 1280**, relative to medical emergencies under managed care organizations. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would clarify requirements of managed care organizations regarding the coverage of emergency medical services. The committee considered this bill with respect to existing statutes that define emergency services along with recently passed language defining a life threatening emergency and guaranteeing coverage by insurance carriers. With the passage of HB 640, the HMO external grievance process, the committee felt that there is no need to modify existing language or address the binding arbitration suggested by this bill. Vote 19-0.

**HB 1295**, relative to prescription drug cards. **REFER FOR INTERIM STUDY**

Rep. Kathleen N. Taylor for Commerce: This bill requires that insurers providing coverage of prescription drugs issue to their enrollees a card or other similar item containing uniform prescription drug information. The purpose is to save time for the pharmacists thereby enabling them to fill prescriptions faster. The committee feels that this issue needs further study and will work with those concerned over the summer to refine this legislation. Vote 19-0.

**HB 1314**, relative to propane sales. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The sponsor thought some purchasers of propane gas were over charged when dealers applied a flat rate to refill small propane tanks whether they were empty or half full. While there was not any evidence that this was a big problem, the NH Propane Coalition is sending a letter to all of their members to post informational signage as to their filling policies. The committee felt that the industry's cooperation should take care of the problem and legislation was not needed in this case. Vote 18-1.

**HB 1315**, relative to payout ratios of qualified charitable gift annuities. **REFER FOR INTERIM STUDY**

Rep. Tara G. Reardon for Commerce: This bill would allow retirement communities that currently fund long term care of their members with the sale of charitable annuities, payout ratios in excess of the American Council on Gift Annuities' standard. The subcommittee considered methods of licensing and exemption from RSA 403-E, which was enacted just last session to regulate these payout ratios. The retirement community that requested the bill will work with the New Hampshire Department of Insurance to attempt an agreement on this issue over the summer and, if needed, appropriate legislation will be drafted from those meetings. Vote 19-0.

**HB 1373**, relative to payments of first and second mortgage home loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill is the result of the study committee on first and second mortgage home loans established in 1999, 233, and requires that at the time a loan application is taken, the borrower will be provided a written disclosure explaining how the payments to the loan will be applied. This bill also specifies that there will be no penalty charged for the prepayment of a second mortgage home loan after the loan has been in existence for 5 years. Vote 14-1.

**Amendment ( 3564h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Written Disclosure Required; First Mortgage Home Loans; Interest Computation. Amend RSA 397-A:14 by inserting after paragraph II the following new paragraph:

III. For loans where the payment is applied on the date received, the licensee shall provide to the borrower, at the time the loan application is taken, a separate written disclosure which explains how the payments will be applied.

2 New Paragraph; Written Disclosure Required; Second Mortgage Home Loans; Interest Computation. Amend RSA 398-A:2 by inserting after paragraph VI the following new paragraph:

VI-a. For loans where the payment is applied on the date received, the licensee shall provide to the borrower, at the time of application for the loan, a separate written disclosure which explains how the payments will be applied.

3 Second Mortgage Home Loans; Prepayment Penalties Prohibited. Amend RSA 398-A:2, III to read as follows:

III. The borrower shall have the right to anticipate his *or her* debt in whole or in part upon payment of any prepayment penalty agreed upon between borrower and licensee, provided, however, that any penalty shall be clearly set forth in the loan documents; *except that there shall be no penalty charged for prepayment of a second mortgage home loan after the loan has been in existence for 5 years.* When an open-end loan agreement providing for advances from time to time by the licensee exists between the borrower and the licensee, monthly loan payments shall be selected by the borrower as stated in the note or open-end agreement.

4 Effective Date. This act shall take effect July 1, 2000.

**AMENDED ANALYSIS**

This bill requires lenders of a first or second mortgage home loan where payments will be applied on the date received to provide to the borrower, at the time of application for the loan, a written disclosure which explains how payments will be applied.

This bill also prohibits a prepayment penalty on a second mortgage home loan which has been in existence for 5 years.

**HB 1377**, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will prevent any health carrier from excluding a licensed physician from its network solely on the basis that such physician is not certified by one of the American Board of Medical Specialties' approved boards, if the physician is a member of the health carrier's network prior to January 1, 2001. Vote 18-0.

**Amendment (3717h)**

Amend RSA 420-J:7-c as inserted by section 1 of the bill by replacing it with the following:

420-J:7-c Exclusion of Certain Providers Prohibited. A health carrier shall not exclude any licensed physician from its provider network solely on the basis that before January 1, 2001 such physician is not certified by one of the American Board of Medical Specialties' approved boards and such physician is at that time a member of the health carrier's provider network.

**AMENDED ANALYSIS**

This bill prohibits managed care organizations from excluding its provider-network physicians solely on the basis that such physicians are not certified by one of the American Board of Medical Specialties' approved boards before January 1, 2001.

This bill also establishes a committee to study the methods used by managed care organizations in contracting with health care providers.

**HB 1398**, requiring disclosure of policy limits by insurers. **REFER FOR INTERIM STUDY**

Rep. Tim S. McGough for Commerce: In cases of personal injury insurance claims and lawsuits, the dollar amount of coverage available to the claimant or the plaintiff is not normally disclosed unless the insurance carrier or an intervening court decides it should be for purposes of encouraging settlement. This bill would require disclosure of this information at the request of any involved



party. The committee felt this might encourage lawsuits against defendants with deep pockets but also that this disclosure might prevent unnecessary lawsuits filed solely to reveal this information. Given the complexities of this issue and the compelling arguments on both sides the committee wishes to study the issue. Vote 16-2.

**HB 1401**, requiring manufactured housing sellers to provide a breakdown of purchasing costs. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: The sponsor had a constituent who had asked that this bill be introduced. In the meantime the particular problem was fixed and the sponsor withdrew support for the bill. The committee saw no support to proceed with this legislation. Vote 17-0.

**HB 1411**, requiring credit reporting agencies to notify consumers prior to changing certain information in their files. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would require credit reporting agencies to notify consumers before they make any changes to a consumer's credit file. Initially, the sponsor asked to withdraw this legislation, then during the public testimony some interesting anecdotes were presented causing the committee to investigate further. The committee is aware of legislation being prepared for the next session to deal with this type of problem. Imposing this requirement as introduced would be nearly impossible for credit bureaus to enact without significantly increasing the cost of obtaining credit or credit reports, and therefore the committee does not support this legislation as introduced at this time. Vote 17-1.

**HB 1428**, relative to the insurance consumer's bill of rights. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would require uniform boiler plate documents be imposed by the Department of Insurance on carriers to simplify the manner in which policies are presented to the consumer. This bill would also require disclosure of policy limits in cases of personal injury claims or lawsuits. That issue is contained in HB 1398 that is recommended for interim study. The committee would like to consider these issues during that process. The committee felt that no public outcry exists for the other provisions required by the bill and that current resources provided by the New Hampshire Department of Insurance are sufficient to serve consumers in that respect. Vote 17-0.

**HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B. **OUGHT TO PASS**

Rep. Joseph D. Kenney for Commerce: This bill establishes a study committee to review all aspects of the Condominium Act established under RSA 356-B. Also it would encourage the Attorney General's Office and the Community Associations Institute-New Hampshire (C.A.I.), to participate in this study to advise and recommend any amendments to the existing law. The Condominium Act has developed some growing pains over the past ten years; thus the committee felt it was worth studying and making any necessary amendments. Vote 15-2.

**HB 1465**, extending the reporting date of the committee to study the non-group health insurance market. **OUGHT TO PASS**

Rep. Sheila T. Francoeur for Commerce: This bill will extend the reporting date for this study committee until November 1, 2000. The committee believes that the problem of the uninsured and affordable insurance is a continuing one in the State of New Hampshire and merits further in-depth study. Vote 17-1.

**HB 1496-FN**, relative to joint negotiations by physicians with health benefit plans. **REFER FOR INTERIM STUDY**

Rep. Stephen G. Avery for Commerce: The committee has several issues concerning health benefit plans that they will be studying over the summer. This subject will fit into the area of these other bills and the committee feels that this bill will get the attention that it needs by putting it into interim study. Vote 13-1.

**HB 1534**, relative to availability of funds on cash and checks deposited. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would only affect state-chartered banks, about half of the banks in New Hampshire. If enacted, it would impose more stringent requirements on these



banks than currently mandated by Federal Reserve Bank Regulations in regards to funds availability. Testimony showed that banks most often make these funds available immediately upon customer request, but should have the flexibility given by federal law to place a short hold on these checks to verify validity of suspect documents. If passed, this bill would place state-chartered banks at a competitive disadvantage and risk requiring cashing of counterfeit instruments prior to verification or actual receipt of funds. Vote 15-0.

**HB 1131-FN**, relative to license revocations and suspensions. **OUGHT TO PASS WITH AMENDMENT**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1131 originally called for a suspension of a driving license for anyone under 21 years of age convicted of driving while intoxicated. The loss of license was to be until the individual attained 21 years of age. This would have resulted in sentences varying from a year or less to as much as a five-year loss of license. The statistics indicate an increasing number of young drivers under the legal age for obtaining alcoholic beverages are driving while intoxicated, transporting alcoholic beverages and/or in possession of alcohol. The committee wants to impress upon our newest and most inexperienced drivers that violating the highway safety statutes as well as the legal age for use of alcohol is no longer to be tolerated and voted to amend HB 1131 to provide for a suspension of driving privileges for not less than one year for persons under 21 years of age who are convicted of driving while intoxicated. Vote 12-1.

**Amendment (3483h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Penalty for Offenders Under Age 21. Amend RSA 265:82-b by inserting after paragraph I-a the following new paragraph:

I-b. Any person under the age of 21 who is convicted of an offense under RSA 265:82, RSA 265:82-a, or RSA 630:3, II shall be sentenced according to the provisions of this section, except that in all cases the person's driver's license or privilege to drive shall be revoked for not less than one year.

2 Effective Date. This act shall take effect January 1, 2001.

**AMENDED ANALYSIS**

This bill provides that persons under the age of 21 who are convicted of an offense under RSA 265:82, RSA 265:82-a, or RSA 630:3, II shall not be eligible to have their driving privileges reinstated for a period of at least one year.

**HB 1250**, allowing a psychiatric/mental health advanced registered nurse practitioner to declare a personal safety emergency, to transfer an inmate for a psychiatric inpatient emergency, and to authorize an involuntary emergency hospitalization. **OUGHT TO PASS WITH AMENDMENT**

Rep. Herbert R. Hansen for Criminal Justice and Public Safety: The bill as amended removes a provision that would have authorized an advanced registered nurse practitioner (ARNP) to determine that a person is eligible for involuntary emergency hospital admission. This former provision would have involved a substantial deprivation of the person's liberty. Due to the liberty interests involved, the committee felt that these issues concerning ARNP's future role in involuntary emergency admission could be best studied and addressed at the Department of Health and Human Services forum to be convened before the next session. The bill does add ARNP's to augment licensed physicians within the states correctional facilities. The ARNPs may also recommend, with the approval of the administrator of the institution where the inmate is detained, the removal of such inmate to a medical facility for treatment or medical examination. Vote 13-0.

**Amendment (3584h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.

Amend the introductory paragraph of RSA 627:6, VII as inserted by section 1 of the bill by replacing it with the following:

VII. A licensed physician, or a person acting under his *or her* direction, *or an advanced registered nurse practitioner (ARNP) working for the department of corrections* may use force for

the purpose of administering a recognized form of treatment which he *or she* reasonably believes will tend to promote the physical or mental health of the patient, provided such treatment is administered:

Amend RSA 623:1, I as inserted by section 2 of the bill by replacing it with the following:

I. Any person confined in a county department of corrections facility, state prison or other place of detention may, under necessary precautions, be taken by some regular or specially authorized officer from such place of detention to a medical facility for the purpose of receiving medical examination or treatment upon recommendation of a physician *or an advanced registered nurse practitioner (ARNP)* and upon approval of the administrator of the institution in which the person is confined. In the case of a transfer for medical purposes for a period in excess of 24 hours, the justice of the court who originally ordered the prisoner's commitment shall be given written notice of the transfer within 5 days of said transfer, and shall be given notice upon the return of the prisoner within 5 days of the prisoner's return. The provisions of RSA 402:79 shall apply to payments for medical care provided pursuant to this section.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

### AMENDED ANALYSIS

This bill allows an advanced registered nurse practitioner to evaluate an inmate or a patient at the secure psychiatric unit to declare a personal safety emergency and to transfer the person for inpatient psychiatric treatment.

**HB 1346-FN**, relative to certain acts of felonious sexual assault. REFER FOR INTERIM STUDY Rep. Patricia M. O'Keefe for Criminal Justice and Public Safety: The committee felt that although changes to this section of the sexual assault statutes may be warranted, questions regarding the age differential and assessment of penalties were not sufficiently addressed. The committee would like the opportunity to further study these issues. Vote 17-0.

**HB 1424**, relative to reevaluation of a person's competency to stand trial. OUGHT TO PASS WITH AMENDMENT

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill clarifies the process for evaluating a person's competency to stand trial. The amendment further clarifies that if there is clear and convincing evidence that the defendant cannot be restored to competency within twelve months, the case shall be dismissed without prejudice. Vote 16-0.

### Amendment (3469h)

Amend the bill by replacing RSA 135:17-a, I as inserted by section 2 with the following:

I. If, after hearing, the district court or superior court determines that the defendant is not competent to stand trial, the court shall order treatment for the restoration of competency unless it determines, by clear and convincing evidence, that there is no reasonable likelihood that the defendant can be restored to competency through appropriate treatment within 12 months. If the court finds, by clear and convincing evidence, that the defendant cannot be restored to competency within 12 months, the case against the defendant shall be dismissed without prejudice and the court shall proceed as provided in paragraph V.

**HB 1460**, making the playing of an individual's car stereo in excess of 50 decibels disorderly conduct. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The sponsor indicated that he understood the Inexpedient to Legislate vote on this bill. Passage of HB 1460 would force communities to purchase decibel meters, resulting in new costs. Also, pursuant to NH RSA 644:2, III(a), the crime of disorderly conduct, it is already a violation to make loud or unreasonable noises in a public or a private place which causes annoyance or alarm. The Commissioner of the Department of Safety is very serious about enforcing this existing provision. Vote 12-0.

**HB 1492-FN**, relative to clarifying the state's stalking statute. OUGHT TO PASS WITH AMENDMENT

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill clarifies language in the current stalking bill defining a "course of conduct" to be considered when assessing whether or not stalking activity exists. The bill, as amended, affords increased protection for victims of stalking while

assuring that all parties' constitutional rights are protected. The bill, in its final form, takes into consideration the concerns of those who testified before the committee and sub-committee regarding terminology that was vague and open to interpretation. Vote 14-0.

### Amendment (3546h)

Amend the bill by replacing all after the enacting clause with the following:

I Criminal Code; Interference with Freedom; Stalking. RSA 633:3-a, I-III is repealed and reenacted to read as follows:

I. A person commits the offense of stalking if such person:

(a) Purposely, knowingly, or recklessly engages in a course of conduct targeted at a specific person which would cause a reasonable person to fear for his or her personal safety or the safety of a member of that person's immediate family, and the person is actually placed in such fear;

(b) Purposely or knowingly engages in a course of conduct targeted at a specific individual, which the actor knows will place that individual in fear for his or her personal safety or the safety of a member of that individual's immediate family; or

(c) After being served with, or otherwise provided notice of, a protective order pursuant to RSA 173-B, RSA 458:16, or paragraph III-a of this section, or an order pursuant to RSA 597:2 that prohibits contact with a specific individual, purposely, knowingly or recklessly engages in a single act of conduct that both violates the provisions of the order and is listed in paragraph II(a).

II. As used in this section:

(a) "Course of conduct" means 2 or more acts over a period of time, however, short, which evidences a continuity of purpose. A course of conduct shall not include constitutionally protected activity, nor shall it include conduct that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person. A course of conduct may include, but not be limited to, any of the following acts or a combination thereof:

(1) Threatening the safety of the targeted person or an immediate family member.

(2) Following, approaching, or confronting that person, or a member of that person's immediate family.

(3) Appearing in close proximity to, or entering the person's residence, place of employment, school, or other place where the person can be found, or the residence, place of employment or school of a member of that person's immediate family.

(4) Causing damage to the person's residence or property or that of a member of the person's immediate family.

(5) Placing an object on the person's property, either directly or through a third person, or that of an immediate family member.

(6) Causing injury to that person's pet, or to a pet belonging to a member of that person's immediate family.

(7) Any act of communication, as defined in RSA 644:4, II.

(b) "Immediate family" means father, mother, stepparent, child, stepchild, sibling, spouse, or grandparent of the targeted person, any person residing in the household of the targeted person, or any person involved in an intimate relationship with the targeted person.

2 Criminal Code; Interference with Freedom; Civil Petitions in Stalking Cases. Amend RSA 633:3-a, III-a to read as follows:

III-a. A person who has been the victim of stalking as defined in this section may seek relief by filing a *civil* petition in the district court or the superior court in the county or district where the plaintiff or defendant resides. Upon a showing of stalking by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of stalking. The types of relief that may be granted, the procedures and burdens of proof to be applied in such proceedings, the methods of notice, service, and enforcement of such orders, and the penalties for violation thereof shall be the same as those set forth in RSA 173-B.

3 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill clarifies the definition of stalking and provides a civil relief mechanism for victims.

**HB 1562-FN**, establishing criminal penalties for violations of orders of protection under the child protection act. **OUGHT TO PASS**



Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: HB 1562-FN makes the penalty for violating a child protection order, which is based upon a preliminary disposition of abuse or neglect or a finding of abuse or neglect, a Class A misdemeanor. Under HB 1562-FN, the penalty for violating a child protection order is now the same as the penalty for violating a domestic violence protective order. HB 1562-FN also makes the enhanced penalties for subsequent offenses under the Child Protection Act identical to enhanced penalties for subsequent offenses under the Domestic Violence Laws. Vote 12-0.

**SB 355**, relative to name changes for criminal offenders. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: Last year the House and Senate passed HB 215 (Chapter 160), which amended NH RSA 547:3-i. The changes became effective on June 28, 1999. A contradiction exists in the first two paragraphs of the new law. SB 355 removes this contradiction. The current law excludes certain persons from being granted name changes: those serving a prison sentence, those on probation or parole, or those required to register as sexual offenders, or offenders against children. However, the law also provides that the court may override the previous provision. This bill corrects the language by providing that the court may grant the petition for name change of any person, however, the persons mentioned above must make a compelling showing before they are granted a name change. Vote 12-0.

**SB 382**, relative to appeals of release or detention orders OUGHT TO PASS

Rep. Frank M. Schanda for Criminal Justice and Public Safety: SB 382 makes an addition to the bail review statute and is a victim safety measure. This bill requires that no action shall be taken on the motion for bail review until the reviewing judge has all of the information before him or her that the original judge had in setting bail. No opposition was presented to the committee. Vote 12-0.

**HB 1285**, establishing a committee to study the feasibility of assessing taxes for special education at the county level. INEXPEDIENT TO LEGISLATE

Rep. Robert McKinley for Education: This bill would move the responsibility for assessing special education taxes from the local taxing district to the county government. This would create a new level of management among the state, the counties, the SAU's and the towns with little, if any, benefit to the towns and could result in increased costs without increased services. Vote 15-2.

**HB 1388**, establishing a commission to study the statewide delivery of special education programs and services. INEXPEDIENT TO LEGISLATE

Rep. Charles B. Yeaton for Education: The Education committee has studied special education extensively. There have been a measurable number of special education studies done within the last few years. In addition, the Adequacy Commission is considering the issue. There is an on going Special Education Advisory Committee which looks at all aspects of special education and prepares an annual report. Therefore, the Education committee deems this bill to be unnecessary at this time. Vote 18-0.

**HB 1253**, establishing a 4-year term for the commissioner of the department of corrections. OUGHT TO PASS

Rep. Michael O'Neil for Executive Departments And Administration: This bill establishes a four-year appointed term for the commissioner of corrections. By establishing a specific term, this position will be treated in the same fashion as other commissioner appointments within state government and will be beneficial when seeking qualified individuals to fill the position. Vote 14-0.

**SB 341**, extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists. OUGHT TO PASS

Rep. Michael O'Neil for Executive Departments and Administration: This bill amends RSA 96:1. The committee established to study the licensure of "radiographics". "Radiographics" is changed to "radiologic technologists", the standard terminology utilized in the industry. The report date is changed from November 1, 1999 to November 1, 2000. The House and Senate members appointed to this study committee requested additional time to study the issues that related to this bill. Vote 16-1.

**HB 1202-L**, making technical corrections to 1999, 17 as amended. OUGHT TO PASS WITH AMENDMENT

Rep. Linda T. Foster for Finance: This bill makes technical corrections to 1999, 17 (HB 117) which were requested by the Department of Revenue and the Board of Land and Tax Appeals. Many of these changes concern the shortened timelines for reports and appeals that have been found inad-



equate for practical application. Section 3,V allows the DRA to assess a penalty to municipalities that willfully fail to timely file and sets up an appeal process. Section 7 brings the superior court and the BTLA into accord regarding the definition of timely filing under RSA 80:55. The remaining changes clarify existing law. All changes have been reviewed by and are supported by the NH Municipal Association. Vote 21-0.

### Amendment (3849h)

Amend the title of the bill by replacing it with the following:

AN ACT making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

Amend the bill by replacing all after section 2 with the following:

3 New Paragraph; Equalization Procedure; Report Required. Amend RSA 21-J:9-a by inserting after paragraph IV the following new paragraph:

V. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the commissioner to conduct the annual sales-assessment ratio study required under paragraph I. This report shall be filed within 45 days after receipt from the commissioner. Municipalities which fail to timely file the report due to willful neglect or intentional disregard of laws or rules and not reasonable cause shall pay a penalty to the state in the amount of \$100 for each day that the report is not timely filed. Within 30 days after the imposition of the penalty by the commissioner, officials of the city, town, or unincorporated place upon which the penalty was imposed may appeal by written application to the board of tax and land appeals or the superior court in the county in which the city, town, or unincorporated place is located. The board of tax and land appeals or the superior court, as the case may be, shall determine de novo the correctness of the commissioner's actions.

4 New Paragraph; Appeals to Department or Board. Amend RSA 21-J:28-b by inserting after paragraph VI the following new paragraph:

VII. Compliance with the filing deadlines in this section relative to the department or the board of tax and land appeals shall be in accordance with RSA 80:55.

5 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II.(a) To hear and determine appeals by municipalities relating to the equalized valuation of property determined by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII. Any municipality aggrieved by its *own* equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within [20] 30 days of notice of its final equalized valuation by the commissioner. The board shall hear and make a final ruling on such appeal within [45] 60 days of its receipt by the board. The board's decision on such appeal shall be final pending a decision by the supreme court. Such appeal shall be filed with the clerk of the supreme court within 20 days after the date the decision is mailed by the board to the municipality. The supreme court shall give any appeal under this section priority in the court calendar.

(b) Decisions by the supreme court on appeals made under subparagraph (a) that are issued prior to September 1 shall be used by the commissioner of revenue administration in determining the taxes to be raised by each municipality *for that tax year*.

(c) Decisions by the supreme court on appeals made under subparagraph (a) that are issued after September 1 shall be used by the commissioner of revenue administration in determining the taxes to be raised in the tax year commencing April 1 of the [second] succeeding year. Any adjustments that need to be made to a municipality's tax rate based on a decision by the supreme court under this subparagraph shall be made by the commissioner of revenue administration in the tax year commencing April 1 of the succeeding year.

6 Commissioner's Warrant. Amend RSA 76:8, I-II to read as follows:

I. The commissioner of revenue administration shall annually calculate the proportion of education property tax to be raised by each municipality by multiplying the uniform education property tax rate by the total equalized value of all property in the municipality as determined under RSA 21-J:3, XIII *for the preceding year*, except property taxable under RSA 82 or RSA 83-F.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality [~~at the time of the setting of the tax rate~~] *by December 15* directing them to assess such sum and pay it to the municipality for the use of the school district or districts and, if there is an excess education tax

payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

7 New Section; Timely Filing. Amend RSA 76 by inserting after section 16-d the following new section:

76:16-e Timely Filing. The timely filing and mailing of any document relative to the administration and appeal of any state or municipal tax, either by a municipality or the board of tax and land appeals, shall be determined in accordance with RSA 80:55.

8 Excess Property Tax Payments. Amend RSA 198:46, II-III to read as follows:

II. The amount of such excess to be remitted shall not include any income derived from the investment of funds by the ~~[town treasurer]~~ *municipal treasurers* under RSA 41:29 and RSA 48:16. Any funds remaining after full payment of the excess tax required in paragraph I shall become available for unrestricted use by the municipality.

III. The commissioner of the department of revenue administration shall collect from the ~~[selectmen]~~ *municipality* the excess tax and pay the excess tax over to the state treasurer for deposit in the education trust fund established by RSA 198:39.

9 Repeal. RSA 21-J:34, XV, relative to certain reports filed by assessing officials, is repealed.

10 Applicability. RSA 21-J:28-b, as inserted by section 4 of this act, and RSA 76:16-e, as inserted by section 7 of this act, shall apply to any tax bill mailed on or after April 1, 1998.

11 Effective Date.

I. Sections 4 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill makes technical corrections to 1999, 17 (HB 117) as amended. The bill also clarifies certain filing and mailing procedures to be used in the administration and appeal of state and local taxes.

**HB 1251**, relative to driver education training reimbursement. OUGHT TO PASS

Rep. Susan W. Almy for Finance: This bill requires the Department of Safety to reimburse students in private drivers' education at the same rate as public school programs are reimbursed, and public schools to explicitly credit or reimburse the \$150 per student they receive to the students. The former provision increases program costs by about \$600,000. The program is funded primarily by the vanity plate fee which the department estimates will cover the added cost at least through this biennium, and probably beyond, so the net effect would be to reduce lapses. Vote 25-0.

**HB 1265-FN**, relative to registration of certain antique OHRVs. OUGHT TO PASS

Rep. Susan W. Almy for Finance: This bill adds antique ATVs and trail bikes to the antique snowmobile program and increases the age qualification from 20 to 25 years. Fish and Game believes that the combination of these changes would be revenue-neutral; at most they would cost a total of \$4000 per annum to them and DRED combined. Vote 24-0.

**HB 1344-FN**, expanding the used oil program. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill expands a successful used oil collection program to allow for multiple grants to municipalities and to private facilities which, under current law, now do not receive grants. Grants will be available for collection containers, protective structures, filter crushers and used oil heaters. The effect will be to collect more used motor oil and prevent the oil from getting into the environment. The increase in used oil user fees is estimated at \$21,600 with the estimated cost of expanded grants at \$21,500. Vote 24-0.

#### Amendment (3785h)

Amend the bill by replacing section I with the following:

I Public Health; Hazardous Waste Cleanup Fund; Used Oil Collection; Use of Money Collected; Eligibility for Grants. Amend RSA 147-B:13, I(a) to read as follows:

(a) Award grants ~~[of up to \$2,500 to a political subdivision of the state]~~ to pay for the ~~[cost of establishing or improving]~~ *costs associated with the establishment, improvement, or operation* of used oil collection centers at public facilities such as fire stations, police barracks, highway departments, county garages, solid waste facilities, or other suitable ~~[public]~~ locations; and pro-

vide technical assistance to persons who organize such programs. *Political subdivisions and other government entities shall be eligible for grants not to exceed \$2,500 on an annual basis for the costs associated with the establishment or improvement of used oil collection facilities. In addition, political subdivisions and other government entities shall be eligible for grants on an annual basis for costs associated with the off-site transportation and recycling of used oil collected from individuals disposing of used oil. Non-profit organizations that focus on waste management and recycling issues, and private businesses that are registered state motor vehicle inspection stations, shall be eligible for grants not to exceed \$2,500 on an annual basis for the costs to establish a used oil collection facility.* In providing funding under this subparagraph, priority shall be given to reimburse political subdivisions [~~that have established a collection center under this program followed by political subdivisions~~] without public collection centers, followed by political subdivisions that have [~~inadequate~~] *established* collection centers, *followed by other government entities, state motor vehicle inspection stations, and non-profit organizations.* Political subdivisions that use the same center may combine their awards, but in no case shall the amount awarded to a collection center exceed \$5,000.

**HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study. OUGHT TO PASS

Rep. Vivian R. Clark for Finance: Current regulations set the same fee per ton for all varieties of permitted pollutant emissions. This bill re-apportions the charges for various pollutants so that more noxious elements are charged at a higher rate than less noxious ones. The bill causes no net change in state or local revenues or expenditures. The change is therefore a policy issue, not a fiscal one. Vote 21-2.

**HB 1434**, relative to processing applications under the medicaid waiver. INEXPEDIENT TO LEGISLATE

Rep. Richard J. LaRose for Finance: The sponsor reported that the Department of Health and Human Services is following procedures specified in this bill; therefore there is no need for legislative action. Vote 23-0.

**HB 1463**, making technical corrections related to the mental health system and guardianship hearings. OUGHT TO PASS

Rep. Marjorie K. Smith for Finance: This bill puts into law current practices concerning the delivery of services to children and adolescents in one or more facilities on the New Hampshire hospital campus. The committee could identify no change in revenue or expenditures which would result from passage of the bill and therefore concurred with the policy committee and the House. Vote 23-1.

**HB 1546-FN-A-L**, establishing a New Hampshire education tax on consumption as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. INEXPEDIENT TO LEGISLATE

Rep. Norman L. Major for Finance: The original bill reformulates the current method of funding the educational trust fund with a one percent consumption tax and reduces tax rates on property, utilities, real estate and other revenue sources from the trust fund. The fiscal note indicates first year revenues from the consumption tax for the education trust fund would be \$156M-\$209M in FY 2002. There would be a corresponding combined reduction in revenues from the reduced taxes of \$151.4M in FY 2001 and \$242.1M in FY 2002. In addition general fund revenues would decrease \$9.3M in FY 2002.

The sponsor requested that, instead of passing the bill, a study committee be established to take an in-depth look at a consumption tax. The committee agrees that this tax needs to be studied, but believes the appropriate place for that to occur is under the auspices of the Tax Equity and Efficiency Commission already established and charged with considering methods of funding an adequate public education. Consequently, it found the original bill inexpedient to legislate. The committee recommends that, in considering a consumption tax, the Commission look at its implementation in different sectors of the economy and examine ways to accurately determine potential revenues. Vote 20-0.

**HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. OUGHT TO PASS



Rep. Joseph E. Stone for Finance: The NH Retirement System has indicated this bill will have no fiscal impact on state, county and local revenues and expenditures. There will be an increase of expenditures of \$5000 in FY 01 from the system's trust fund. Any county corrections officers opting to purchase prior service would be responsible for the costs of obtaining such services as determined by actuarial study. Vote 23-0.

**HB 1569-FN**, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. **OUGHT TO PASS**

Rep. Margaret A. Lynch for Finance: This bill, as amended by the House, requires DES to propose a voluntary testing program of public water supplies for MTBE, and to study the amount of MTBE in gasoline in the state. As this is a purely voluntary program, there is no question of a 28-A issue on the local level and a minimal financial impact on the state level. Vote 22-1.

**HB 1599-FN-A-L**, establishing a prescription drug payment assistance program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Marjorie K. Smith for Finance: After extensive conversation with the sponsors of this and similar bills, as well as with the chair of the Health and Human Services Committee of the House, the committee concluded that this important and timely issue could best be addressed in SB 367, now pending before the Health and Human Services Committee. Vote 24-0.

**HB 1426**, establishing an appeals board to review decisions of the health services planning and review board **INEXPEDIENT TO LEGISLATE**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: This bill would have established an appeals board over the decisions of the Health Services Planning and Review Board. This would appear to violate the separation of power between the legislative and executive branches of government. After discussion with the sponsor, the subcommittee recommended ITL and this was approved by the full committee. Vote 15-0.

**SB 342**, extending the reporting date of the committee studying the impact of federal welfare reform on the cities and towns of New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph P. Manning for Health, Human Services and Elderly Affairs: At the time the bill was filed, the study committee needed more time to finish its report. However, the report was finished before this bill was heard in the house committee. The sponsor indicated the bill was no longer needed. Vote 16-0.

**HB 1438-FN**, relative to transportation of children for involuntary emergency admissions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Janet G. Wall for Judiciary: HB 1438 authorizes a physician to consult with the parent, guardian, or legal custodian of a child in need of involuntary emergency admission, and with consent, designate appropriate transportation to a receiving facility for care. Currently these children are handcuffed and shackled for their own protection, as well as the safety of those attending, then moved in a law enforcement vehicle. With this bill, a physician may authorize, depending on the amount of security needed, transporting the child by an ambulance or other medical vehicle. Testimony was given that transportation in an ambulance or other medical vehicle may be just as safe for some children, and may have a calming effect. Vote 15-0.

#### **Amendment (3718h)**

Amend RSA 135-C:29 as inserted by section 2 of the bill by replacing it with the following:  
135-C:29 Delivery to Receiving Facility.

**I.** Upon completion of an involuntary emergency admission certificate under RSA 135-C:28, any law enforcement officer shall, *except as provided in paragraph II*, take custody of the person to be admitted and immediately deliver him to the receiving facility identified in the certificate.

**II.** *The physician shall consult with the parent, guardian, or legal custodian of a child subject to involuntary emergency admission regarding available transportation alternatives. If the physician determines that the child does not require the degree of security provided by a law enforcement vehicle, the physician may, with the consent of the parent, guardian, or legal custodian, authorize an ambulance service or other medical vehicle to deliver the child to the receiving facility.*



## AMENDED ANALYSIS

This bill authorizes transportation of a child who is the subject of an involuntary emergency admission by ambulance in place of law enforcement personnel.

**SB 185**, relative to the partition of real or personal property. **INEXPEDIENT TO LEGISLATE**  
Rep. Peter F. Bergin for Judiciary: The sponsor of the bill requested that this bill be voted inexpedient to legislate. HB 1448, a similar bill, was passed by the house and is now in the senate. The sponsor of SB 185 will request an amendment to HB 1448 in the senate. This amendment will authorize the probate court to order a partition of real and personal property where legal or equitable rights or interest in such property is at issue. The committee agreed with this action. Vote 14-0.

**HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services:

This bill changes benefit amounts in employment compensation weekly benefits, increases fines to employers not filing on a timely basis the required reports and removes the expiration date authorizing the Department of Employment Security to maintain its 1/10<sup>th</sup> of 1% administration fee. Vote 19-0.

**Amendment (3165h)**

Amend the bill by replacing section 6 with the following:

6 Repeal. The following are repealed:

I. RSA 1996, 49:7, III, relative to termination of the administrative contribution on July 1, 2002, is repealed.

II. RSA 282-A:112, III, relative to annual audits by private firms.

III. RSA 282-A:140, I(b), relative to annual audits by private firms.

## AMENDED ANALYSIS

This bill:

I. Makes changes to the weekly and maximum benefits available to persons receiving unemployment compensation for the next 2 years.

II. Creates an exemption within a group of temporary, part-time employees not eligible to receive benefits.

III. Increases fines for employers failing to file required paperwork with the department of employment security.

IV. Removes a contingency date from a provision authorizing the department of employment security advisory council to review administrative funding provisions in the event the federal government were to devolve employment security programs to the state.

V. Repeals 1996, 49:7, II; RSA 282-A:112, III; and RSA 282-A:140, I(b).

This bill was requested by the department of employment security.

**HB 1243**, relative to permitting the practice of tip pooling by an employer. **INEXPEDIENT TO LEGISLATE**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: The committee recommends that this bill be Inexpedient to Legislate for a couple of reasons. Some on the committee felt that tip pooling would take away from the waiter or waitress the money that was meant to reward the person for the service they had performed. Others understood the benefit of rewarding all people whose service efforts contributed to a customer's dining experience, but wanted to give the Lodging and Restaurant Association and the Department of Labor the opportunity to work things out together, as they had requested, thereby potentially eliminating the need for legislation. If no agreement can be reached between the two entities by the next legislative session, legislation could be submitted. Vote 14-2.

**HB 1422-FN**, relative to the composition of and procedures for the appellate board of the department of employment security. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edgar H. Mears for Labor, Industrial and Rehabilitative Services: This bill changes the composition and appointment procedure of the appellate board of employment security. It also changes the procedure for appeals to the board. Vote 17-0.

**Amendment (3591h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Employment Security; Appellate Board. Amend RSA 282-A:62 to read as follows:  
282-A:62 Appellate Board.

I. There shall be an appellate board consisting of ~~[5]~~ 8 members, ~~[no 2 of whom shall be from the same executive council district;]~~ who are and continue to be residents of New Hampshire, appointed by the governor with the advice and consent of the executive council for ~~[3-year]~~ 4-year terms and until their successors are appointed and qualified. Two of the members shall be attorneys-at-law admitted to the practice of law in the state of New Hampshire, one of whom shall be the chair, and one of whom shall be the vice chair and shall serve in the absence of the chair. These 2 members shall be the only members of the appellate board who are attorneys-at-law. ~~[Another member]~~ Two members shall be ~~[a representative]~~ representatives of business management familiar with unemployment compensation laws. ~~[A fourth member]~~ Two members shall be ~~[a representative]~~ representatives from organized labor familiar with unemployment compensation laws. ~~[The fifth member]~~ Two members, who shall also be familiar with unemployment compensation laws, shall ~~[be designated as the member representing and shall]~~ represent the public. The appointments shall be for ~~[3]~~ 4 years. *No person shall serve more than 8 consecutive years.* Any vacancy shall be filled for the unexpired term. The members shall be paid ~~[\$100]~~ \$150 for each day or any part thereof during which they perform services, except that the chair and vice chair shall be paid ~~[\$150]~~ \$200 for each day or any part thereof during which they perform services. All members shall be reimbursed for all expenses determined by the commissioner to be necessary to the performance of their duties including mileage and board and room necessary for the conduct of hearings, except that no person who is a member of the appellate board and holds a part time, full time or per diem position with the executive, legislative or judicial branch shall receive the per diem allowance.

II. In the event of an increased workload the chair of the appellate board may request the governor with the advice and consent of the executive council to appoint up to 4 additional ~~[at-large]~~ members to the board, with equal representation for business management and organized labor. These new members shall serve for ~~[3-years or until notified by the chair that the workload has been reduced to a level so that their services are no longer required]~~ one year from the date of appointment.

2 Support of Board. Amend RSA 282-A:63 to read as follows:

282-A:63 Organization and Support. The appellate board shall be part of the department of employment security for organizational purposes but shall operate independently of that department. ~~[The commissioner, after consultation with the appellate board chair, shall develop a cooperative working agreement outlining the annual funding for the appellate board which shall be provided for and administered by the commissioner. The agreement shall also describe]~~ All clerical personnel, facilities, space, supplies, services, and other support necessary to the functioning of the appellate board ~~[which]~~ shall be determined by, provided for, and administered by, the commissioner.

3 Jurisdiction. Amend RSA 282-A:64, I to read as follows:

1. The appellate board shall hear appeals from decisions of the appeal tribunal *or final decisions of the commissioner under RSA 282-A:95*. An appeal must be filed with the appellate board or, if filed by mail, postmarked within 14 calendar days of the date of mailing of:

(a) The commissioner's decision on a request for reopening *or the final decision of the commissioner*; or

(b) The appeal tribunal's decision on an appeal which had been remanded by the appellate board, in which case a request for reopening is not required.

4 Board Sessions. Amend the introductory paragraph of RSA 282-A:66, I to read as follows:

I. The appellate board, while in session, shall consist of 3 members designated by the chair. *No 2 members shall be from the same category of representation. In addition for appeals of final decisions of the commissioner under RSA 282-A:95, the members shall consist of the chair or vice-chair, one business management representative, and one labor representative.* Any party aggrieved by a decision of the appeal tribunal may appeal. The parties to such appeal shall be the claimant, all interested parties as defined in this chapter, and the commissioner. The appellate board shall adopt rules of procedure pursuant to RSA 541-A. It shall not require written briefs. The appellate board shall:

5 Formal Hearing. Amend RSA 282-A:96 to read as follows:

282-A:96 Formal Hearing.

**I.** A formal hearing on each such appeal shall be conducted according to the rules adopted by the commissioner, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure; and a complete record of such hearings shall be made and kept by the commissioner except that such record may be destroyed as provided in RSA 282-A:107-135. The record shall include the evidence, the commissioner's findings of fact and [his] decision. A copy of the decision of the commissioner shall be sent by certified mail, return receipt requested, to the last address according to the records of the department, of each employing unit or employer affected thereby.

**II.** *An employer or employing unit who is aggrieved by the decision of the commissioner may, within 20 days of the date of mailing of the commissioner's decision request that the commissioner reconsider the decision or that the commissioner order a new hearing specifying in the request the grounds therefor. Notice of the commissioner's decision on such request shall be sent as provided in paragraph I.*

6 Appeals; Appellate Board. Amend RSA 282-A:97 to read as follows:

282-A:97 Appeal to [Court] **Appellate Board**. The commissioner's decision on said appeal shall be final and conclusive as to the liability of the employing unit or employer or both unless an appeal therefrom is filed in accordance with the provisions of [RSA 282-A:67] **RSA 282-A:64**.

7 Application; Appointment of New Board Members; Initial Appointments. Members of the appellate board serving on the effective date of this act shall serve out the remainder of their terms. Board members on the effective date of this act shall be eligible for recommendation and appointment pursuant to the provisions of RSA 282-A:62 as inserted by section 1 of this act, provided that no person shall be appointed who has served 8 consecutive years, or if the term of an appointment would result in the person exceeding 8 consecutive years on the board. In order to provide for staggered terms for each representative category, and upon a vacancy, the terms of initial appointments shall be made as follows:

I. In 2000, a business management representative for 2 years, a business management representative for 4 years, a labor representative for 4 years, and a public representative for 4 years.

II. In 2001, an attorney representative for one year, an attorney representative for 3 years, and a public representative for one year.

8 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the composition and appointment procedure of the appellate board of the department of employment security. The bill also changes the procedure for appeals to the board.

**HB 1519**, relative to diversity training for law enforcement and educational personnel. **INEXPEDIENT TO LEGISLATE**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: At the request of the sponsor the committee voted ITL. After filing the legislation the sponsor met with parties involved and resolved the main issues without legislation. Vote 17-0.

**HB 1146-L**, relative to tax increment financing. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill was requested by the Department of Revenue Administration to amend RSA 162-K:10, II. It makes technical corrections to the tax increment financing statute and clarifies that the handful of existing tax increment finance districts are grandfathered and exempt from the statewide uniform education property tax enacted last year. Vote 17-0.

#### Amendment (3603h)

Amend the bill by replacing all after the enacting clause with the following:

1 Municipal Economic Development and Revitalization Districts; Computation of Tax Increments; Taxable Property. Amend RSA 162-K:10, II to read as follows:

II. Any amount by which the current assessed value of a development district exceeds the original assessed value is referred to as the captured assessed value. The assessors shall determine the amount of the captured assessed value each year.

(a) The tax increment financing plan shall designate the portion of captured assessed value which will be dedicated for retirement of bonds and notes *and the portion of captured assessed value which will be dedicated to the operation and further development of the tax increment financing district.*



(b) [The municipality shall annually allocate the captured assessed value in excess of that necessary for dedicated tax increments for purposes of tax increment financing, according to one of the 2 following options:

(1) The excess captured assessed value may be fully used to finance the development program; or

(2) A portion of the excess captured assessed value may be used to finance the development program of the district and only that portion shall be set aside and the remainder shall be included with the other general tax revenues.] *The portion of captured assessed value which is not used either for the purpose of retirement of bonds and notes or for the purpose of the operation and development of the tax increment financing district shall be deemed excess captured assessed value. Excess captured assessed value shall be returned to the tax lists.*

2 Computation of Tax Increments; Determination of Rates. Amend RSA 162-K:10, III(a)(2) to read as follows:

(2) If the municipality retains only a portion of the [excess] captured assessed value for the development district and returns the remaining portion to the tax lists, the assessors shall include the current assessed value, to be used as a basis to equalize annually the valuation of property throughout the state, and that portion of the [excess] captured assessed value which the municipality does [not] retain, to be deducted from the current assessed valuation for the calculation of the property tax *rate*. The assessors shall extend all rates against the total current assessed value[; including that portion of the captured assessed value which the municipality is retaining for the development district only]. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes [paid] *billed* on real property in the district that the retained captured assessed value bears to the total current assessed value in the district. The amount so remitted each year is referred to as the tax increment.

3 Towns Adopting Tax Increment Financing Districts Before April 29, 1999; Method of Calculation. Amend RSA 162-K:10, III(b) to read as follows:

(b) The general court finds that municipalities that have adopted a tax increment financing plan and issued tax increment financing plan bonds under this chapter before April 29, 1999, or which have adopted a tax increment financing plan and entered into contracts and incurred liabilities in reliance upon the tax increment plans under this chapter before April 29, 1999, have incurred obligations which must be honored. The general court recognizes also that in accordance with the intent of this chapter, such obligations were entered into in order to accomplish a public purpose and for the improvement of development in municipalities. Accordingly, the provisions of subparagraph III(a) shall not apply to tax increment financing plan districts which authorized and issued tax increment bonds under this chapter before April 29, 1999 or which adopted a tax increment financing plan under this chapter and entered into contracts and incurred financial liabilities in reliance upon such tax increment plan before April 29, 1999. This subparagraph shall only apply to tax development districts as they existed as of April 29, 1999. To the extent such tax increment financing plan is amended to increase the amount of bonded indebtedness, to increase the cost of the development program, or to extend the duration of the program's existence, this subparagraph shall not apply. *The assessors shall determine assessed valuation and tax increments according to the following method:*

(1) *If the municipality retains the full captured assessed value for the development district, the assessors shall certify to the commissioner of revenue administration for the purposes of the report required by RSA 21-J:34, no more than the original assessed value of the real property in the development district. The assessors shall extend all rates as established by the commissioner of revenue administration under the provisions of RSA 21-J:35 against the current assessed value, including all captured assessed value. In each year for which the current assessed value exceeds the original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes billed that year on real property in the district which the captured assessed value bears to the total current assessed value. That amount is referred to in this section as the tax increment for that year.*

(2) *If the municipality retains only a portion of the captured assessed value for the development district and returns the excess to the tax lists, the assessors shall certify to the commissioner of revenue administration for the purposes of the report required by RSA 21-J:34 the*



*original assessed value and that portion of the captured assessed value which is shared with all the affected taxing district for the purposes of determining the assessed value for computing property tax rates. The commissioner of revenue administration shall compute the rates of all taxes levied by the state, county, municipality, school district and every other taxing district in which the district is located on this aforementioned assessed value. The assessors shall extend all rates against the total current assessed value, including that portion of the captured assessed value which the municipality is retaining for the development district only. In each year for which the current assessed value exceeds that original assessed value, the municipal tax collector shall remit to the municipality that proportion of all taxes paid on real property in the district that the retained captured value bears to the total current assessed value in the district. That amount is referred to as the tax increment for that year.*

4 Effective Date. This act shall take effect April 1, 2000.

# **HB 1163, relative to the date of decision for appeals of zoning matters. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill establishes a uniform 30-day time period for an affected person to file for a rehearing or appeal regarding any zoning decision or order of a zoning board of adjustment, local legislative body, board of appeals, or planning board. This bill also provides that all such boards shall make their written minutes and decisions available for public inspection within 144 hours of any vote, consistent with the Right-To-Know law. Finally, this bill provides that if the minutes of the meeting were not filed within 144 hours of the date of the vote, the person applying for rehearing and/or appealing the decision shall have the right to amend the motion for rehearing or the appeal for up to 30 days after the date on which the written decision was actually filed. Vote 12-2.

## **Amendment (3802h)**

Amend RSA 676:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Whenever a local land use board ~~[issues a decision]~~ *votes to approve or disapprove an application or deny a motion for rehearing*, the *minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefor*, shall be placed on file in the board's office and shall be made available for public inspection within [72] *144* hours ~~[after the decision is made]~~ *of such vote*. Boards in towns that do not have an office of the board that has regular business hours shall file copies of their decisions with the town clerk.

Amend RSA 677:2 as inserted by section 2 of the bill by replacing it with the following:

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions. Within [20] *30* days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning ~~[has been filed and first becomes available for public inspection in the office of the respective board or body or of its clerk or secretary]~~, the selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This [20] *30*-day time period shall be counted in calendar days beginning with the ~~[next working day during which the office of the board is open to the public following the day on which the decision is rendered]~~ *date upon which the board voted to approve or disapprove the application; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed*. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

Amend RSA 677:4 as inserted by section 3 of the bill by replacing it with the following:

677:4 Appeal from Decision on Motion for Rehearing. Any person aggrieved by any order or decision of the zoning board of adjustment or any decision of the local legislative body may apply,

by petition, to the superior court within 30 days after the ~~[action complained of has been filed and first becomes available for public inspection in the office of the respective board or body or of its clerk or secretary, setting]~~ *date upon which the board voted to deny the motion for rehearing; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed.* The petition shall set forth that such decision or order is illegal or unreasonable, in whole or in part, and ~~[specifying]~~ *shall specify* the grounds upon which the decision or order is claimed to be illegal or unreasonable. ~~[The date of filing shall be considered to be the next working day during which the office of the board is open to the public following the day on which the order or decision is rendered.]~~ For purposes of this section, "person aggrieved" includes any party entitled to request a rehearing under RSA 677:2. Amend RSA 677:15, I as inserted by section 4 of the bill by replacing it with the following:

I. Any persons aggrieved by any decision of the planning board concerning a plat or subdivision may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30 days after the ~~[decision of the planning board has been filed and first becomes available for public inspection in the office of the planning board or of its clerk or secretary]~~ *date upon which the board voted to approve or disapprove the application; provided however, that if the petitioner shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 144 hours of the vote pursuant to RSA 676:3, II, the petitioner shall have the right to amend the petition within 30 days after the date on which the written decision was actually filed.* This paragraph shall not apply to planning board decisions appealable to the board of adjustment pursuant to RSA 676:5, III.

#### AMENDED ANALYSIS

This bill provides that there is a 30-day time period for an affected person to file for a rehearing regarding any zoning decision or order of a zoning board of adjustment, local legislative body, board of appeals, or planning board. This bill also provides that this period begins with the date of the decision, and that if the minutes of the meeting were not filed within 144 hours of the vote, the person applying for rehearing may amend the motion for rehearing within 30 days after the date on which the written decision was actually filed.

This bill is a request of the study committee established under 1999, 292.

#### **HB 1210-L**, relative to capital reserve funds. OUGHT TO PASS WITH AMENDMENT

Rep. Robert W. Brundige for Municipal and County Government: This bill allows cities, municipalities, counties, districts and water departments to raise and appropriate into capital reserve funds money from any source other than money given to those political subdivisions for charitable purposes. Vote 15-0.

#### **Amendment (3656h)**

Amend the bill by replacing sections 1-4 with the following:

1 Purpose. The general court recognizes the importance of capital reserve funds as financial planning tools for political subdivisions. It is the purpose of this legislation to make sure that political subdivisions are able to place funds into capital reserve funds, which are essentially municipal savings accounts, no matter what the source of those funds. The capital reserve fund laws have been interpreted by the department of revenue administration as allowing capital reserve funds to contain only funds raised through taxation and unencumbered surplus. In order that municipalities have the flexibility to maximize the benefits of capital reserve financial planning, funds from any source, other than money given for charitable purposes, should be allowed into a capital reserve fund.

2 Capital Reserve Funds for Cities; Establishment of Reserves Authorized. Amend the introductory paragraph of RSA 34:1 to read as follows:

34:1 Establishment of Reserves Authorized. Any city may raise and appropriate money as provided by RSA 34:2, *from any source other than money given to the city for charitable purposes*, for the establishment of a capital reserve fund for the financing of all or part of the cost of:

3 Capital Reserve Funds for Cities; Payments Into Fund. Amend RSA 34:3, I to read as follows:

I. There may be paid into any such capital reserve fund such amounts as may from time to time be raised and appropriated therefor, *from any source other than money given to the city for charitable sources*, within the limits as provided in RSA 34:4.

4 Capital Reserve Funds of Counties, Towns, Districts, and Water Departments; Payments Into Fund. Amend RSA 35:5 to read as follows:

35:5 Payments into Fund. There may be paid into any such capital reserve fund, except as provided in RSA 35:7, such amounts as may from time to time be raised and appropriated therefor, *from any source other than money given to the town, district, or county for charitable purposes*. *Such amounts shall be* within the limits as provided in RSA 35:8, and any such town, district or county may also vote to transfer to said fund, under a proper article in the warrant in the case of a town or district, any of its unencumbered surplus funds remaining on hand at the end of any fiscal year.

### AMENDED ANALYSIS

This bill allows municipalities and counties to raise and appropriate money from any source for capital reserve funds, other than money given for charitable purposes.

**HB 1216**, relative to petitions for warrant articles. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: This bill requires school boards to insert properly petitioned warrant articles on the warrant for a school district meeting with only such minor textural changes as may be required. This wording is identical to that contained in RSA 39:3 pertaining to town meetings. Vote 18-0.

**HB 1232**, relative to the investment options for county funds. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have permitted county treasurers to invest excess county funds in units of pooled money market mutual funds, which are invested solely in the United States Treasury. Counties already have the authority to invest in short term obligations of the United States as well as in the New Hampshire Public Deposit Investment Pool. The committee heard testimony that permitting an expansion into money market mutual funds would place public money at increased risk. In the past four or five years one county lost money, that had to be made up by county taxpayers, in a similar type of investment. Vote 12-2.

**HB 1482**, relative to funding of municipal projects. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have authorized a warrant article in SB-2 towns setting both annual and total project limits for capital improvement projects. After discussions with the Department of Revenue Administration, the committee determined that such authority already exists in the law. Vote 14-0.

**HB 1581**, making optional the laws relative to energy conservation in new building construction. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Municipal and County Government: The Municipal & County Government Committee is not persuaded that there is a problem represented here which needs to be solved. The unanimous vote reflects testimony from the Governor's Energy Office that if there is a problem, the office would welcome the opportunity to work with communities. Energy conservation continues to be very important and cost effective; the Committee would not recommend that the House vote otherwise. Vote 18-0.

**HB 1590**, relative to prohibiting a zoning ordinance from a residential preexisting nonconforming property owner's ability to rebuild after a fire loss. REFER FOR INTERIM STUDY

Rep. Anthony F. Simon for Municipal and County Government: The intent of this bill was to prohibit a local zoning ordinance from preventing the rebuilding of a preexisting nonconforming property after a complete fire loss, if that prohibition has the effect of preventing the owner from obtaining a mortgage. The bill was introduced as the result of one situation in Manchester, which has since been resolved. However, research disclosed that zoning ordinances throughout the state treat the rebuilding of preexisting nonconforming uses in widely different ways. The committee believes that this underlying policy issue is a subject that requires further study. Vote 18-0.

**HCR 30**, urging the United States Environmental Protection Agency to adopt recently proposed new automobile emission standards and fuel regulations, known as the Tier2/Gasoline Sulfur Rule,



at least as stringent as originally proposed. OUGHT TO PASS WITH AMENDMENT  
Rep. Terie T. Norelli for Science, Technology and Energy: The United States Environmental Protection Agency (EPA) recently adopted rules referred to as the Tier 2/Gasoline Sulfur Rule that would significantly and cost effectively reduce emissions from light duty vehicles. In addition, the EPA has proposed a strategy to reduce emissions from heavy-duty vehicles. HCR 30, as amended, commends the EPA for adopting the Tier 2/Gasoline Sulfur Rule and encourages the EPA to move forward with its proposed new emissions standards for heavy-duty vehicles. Lastly, it encourages the EPA to adopt a second phase of heavy-duty vehicle standards and reduce the sulfur content of diesel fuel. Vote 15-0.

#### **Amendment (3695h)**

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire has made significant efforts to improve the state's air quality and reduce air pollutant emissions from many source categories in accordance with the Clean Air Act Amendments of 1990; and

Whereas, emissions from mobile sources now contribute a majority of anthropogenic air pollutant emissions within the state and nationwide; and

Whereas, the United States Environmental Protection Agency has recently adopted the so-called Tier 2/Gasoline Sulfur Rule which will require significantly reduced emissions from light-duty vehicles such as common passenger vehicles and from sport utility vehicles, will require sport utility vehicle emissions to be reduced to not more than those allowed for common passenger vehicles, and will require significantly decreased levels of sulfur in gasoline during the next few years; and

Whereas, the United States Environmental Protection Agency has shown the reductions to be achieved by this adopted Tier 2/Gasoline Sulfur Rule to be cost-effective; and

Whereas, the United States Environmental Protection Agency in October, 1999 proposed a strategy to significantly reduce emissions from on-highway heavy-duty vehicles (vehicles of gross vehicle weight over 8,500 pounds), including diesel and gasoline engines used in large commercial trucks, large full-size pickup trucks, passenger vans, and the largest sport utility vehicles; and

Whereas, this proposed strategy includes both a first phase of new emission standards for heavy-duty vehicles, and a second phase to be proposed soon which will treat vehicles and fuels as a combined system and introduce both significant additional emission reduction requirements for heavy-duty vehicles and, in order to enable new emissions-control technology on heavy trucks, requirements that the sulfur content of highway diesel fuel be reduced by approximately 90 percent from its current level of 500 parts per million (ppm); and

Whereas, diesel vehicle emissions control technology has advanced sufficiently that diesel vehicles can cost-effectively achieve similar emission reductions to requirements recently adopted for gasoline vehicles; and

Whereas, non-highway gasoline and diesel vehicles, including construction and farm vehicles and off-road recreational vehicles, as well as other diesel engines, can often achieve emission controls at a similar cost and with similar cost-effectiveness as highway vehicles; and

Whereas, reductions in the sulfur content of highway diesel fuel are cost-effective and necessary to enable the use of new diesel vehicle emissions-control technology; and

Whereas, changes in fuel formulation are most efficiently and equitably implemented on a nationwide or regionwide basis; and

Whereas, in the absence of appropriately stringent nationally applicable standards for heavy-duty vehicle emissions and diesel fuel sulfur, many states may adopt their own standards, resulting in a complex and inefficient regulatory system for vehicles and fuels, with negative financial effects on consumers, manufacturers, and refiners; and

Whereas, the estimated cost per ton of emissions reduced in the first phase of the United States Environmental Protection Agency's proposed strategy is less than 1/2 of the cost per ton of the recent Tier 2/Gasoline Sulfur Rule, and less than the cost of many emission reductions currently being required for electricity generation plants; and



Whereas, additional financial incentives for vehicle users and fuel suppliers to provide emission reductions beyond those mandated by these rules are likely to produce additional cost-effective emission reductions at minimal cost; and

Whereas, Governor Shaheen has written a letter dated February 2, 2000 supporting this concurrent resolution; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the United States Environmental Protection Agency is hereby commended for adopting its so-called Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should adopt the new emissions standards for on-highway heavy-duty vehicles proposed in the first phase of its proposed heavy-duty vehicle strategy, without any significant amendment that would weaken the proposed standards; and

That the United States Environmental Protection Agency should propose and adopt a second phase of integrated vehicle standards and diesel fuel sulfur rules similar to those outlined in its descriptions to date of its heavy-duty vehicle strategy, provided that they are at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar additional integrated vehicle standards and diesel fuel sulfur rules for non-highway gasoline and diesel vehicles, in addition to those for highway vehicles, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar standards for other diesel engines, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur rule; and

That the United States Environmental Protection Agency should investigate options for providing financial incentives for vehicle users and fuel suppliers that produce additional emission reductions beyond those mandated by these rules in order to obtain additional cost-effective emission reductions at minimal cost; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

### AMENDED ANALYSIS

This house concurrent resolution urges the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

**HJR 21**, calling for changes in the federal Clean Air Act regarding best available control technology. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: This resolution asks the US Congress to amend "best available control technology" and "lowest achievable emission rate" provisions of the federal Clean Air Act. Current provisions do not sufficiently examine cost-effectiveness, reliability and availability before requiring that all new plants use a particular emission control technology. The resulting legal actions over which emission control technology should be required have delayed at least one low-polluting electric power plant in New England. The suggested changes would increase the likelihood that cost-effective emission reductions could be adopted more promptly. Vote 15-0.

### Amendment (3697h)

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

Amend the resolution by replacing all after the title with the following:

Whereas, the federal Clean Air Act provisions for best available control technology (BACT), lowest achievable emission rate (LAER), and other similar requirements have been applied such that the availability of alternative technology with slightly superior emissions reduction than a base technology could require the use of the alternative technology by all new sources; and

Whereas, the federal Clean Air Act could require this even if the alternative technology provides only slightly more emissions reduction than the base technology, or the alternative is significantly less reliable, less tested, less used, or less available than the base technology, or if the alternative technology is significantly less cost-effective than the base technology; and

Whereas, these requirements have sometimes had the effect of delaying the implementation of more cost-effective, more proven technologies with only slightly less emissions reduction, so as to increase the total amount of pollution emitted; and

Whereas, legal actions regarding the application of these BACT provisions have delayed the construction of at least one low-polluting combined cycle natural gas electric generating facility in New England; and

Whereas, these undesirable side effects should not be allowed to impede desirable cost-effective emissions reductions that lead to air quality improvements; and

Whereas, when the United States Environmental Protection Agency issued its proposal for nitrogen oxide emissions reductions in 22 states and the District of Columbia in July, 1997, its proposal was accompanied by a message from President Clinton urging that an upper bound be placed on the cost of implementing these emission reductions; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the United States Congress should amend the federal Clean Air Act requirements for best available control technology, lowest achievable emission rate, and other similar requirements, so that cost-effective emissions reductions can be promptly implemented without these undesirable side effects; and

That the federal Clean Air Act specifically be amended so that the availability of alternative technology with slightly superior emissions reduction than a base technology does not necessarily require the complete replacement of the base technology by the alternative technology, especially if the additional emissions reduction is small compared with the base technology; if the alternative technology is significantly less reliable, less tested, less used, or less available than the base technology; or if the alternative technology is significantly less cost-effective than the base technology; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

#### AMENDED ANALYSIS

This house joint resolution urges the United States Congress to implement changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

**HJR 24**, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline. **OUGHT TO PASS WITH AMENDMENT**

Rep. Roy D. Maxfield for Science, Technology and Energy: The issues surrounding methyl tertiary-butyl ether (MTBE) are complex and have diverse and often conflicting health implications. The committee worked diligently to study this difficult issue and craft an effective legislative response during the 1999 session. The greatest obstacle to reducing the concentration of MtBE in gasoline is found in the Federal Clean Air Act, which requires that reformulated gasoline include 2% oxygen, by weight. Reformulated gasoline is required and used successfully in southern NH to reduce air pollution. Although other oxygenates can be used in reformulated gasoline, MtBE has been used by most refineries serving the Northeast due to its cost effectiveness and desirable blending characteristics. In 1999 the legislature passed SB 70 which established initial state guidelines for MtBE. Since our 1999 session ended, two comprehensive studies on the use of MtBE have been released. Chief among the recommendations by a blue ribbon EPA panel based on these studies, was that the oxygenate mandate for reformulated gasoline should be eliminated. This joint resolution urges the United States Congress to eliminate the oxygenate mandate in the Clean Air Act. Vote 15-0.

**Amendment (3671h)**

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

Amend the resolution by replacing all after the title with the following:

Whereas, the United States Environmental Protection Agency's National Blue Ribbon Panel on MTBE has recently examined oxygenates in gasoline in general, and methyl t-butyl ether (MTBE) in particular, and has concluded that the oxygenate requirement for gasoline of the federal Clean Air Act should be eliminated and that the use of MTBE in gasoline should be phased out; and

Whereas, state by state standards for gasoline composition would result in a complex and inefficient regulatory system for fuels, with negative financial effects on refiners and consumers; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the United States Congress should promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Environmental Protection Agency should encourage the United States Congress to promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Congress and the United States Environmental Protection Agency should work with the northeastern states and with gasoline refiners to promptly develop and approve a consistent, effective specification for gasoline containing significantly less or no MTBE additive; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

**AMENDED ANALYSIS**

This house joint resolution urges the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive, and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.

This house joint resolution is a request of the study committee established by 1999, 55.

**HCR 33**, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river. **OUGHT TO PASS**

Rep. David A. Young for State-Federal Relations and Veterans Affairs: The Connecticut River is a vital waterway for New Hampshire. HCR 33 urges the congressional delegations of New Hampshire and Vermont to seek continued support from the New England Federal Partners for Natural Resources to the Connecticut River Joint Commission in order to carry out the recommendations of the Connecticut River Corridor Management Plan. Vote 13-0.

**SB 314**, establishing a committee to study the feasibility of driver education programs by correspondence schools. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: The intent of this bill is to allow students who are not in the traditional school system to be able to take a drivers education course through correspondence schools with the parents providing the hands on road experience. This is well intended, however, this brings up several problems. First, it would not conform to current state law in regards to the requirements of the teenage driver education law. There was considerable concern from the committee regarding the demonstration of driving skills. The committee is going to be looking at teenage driving laws this summer to see what is working and what is not, and plans to introduce legislation next session in this regard. Vote 15-0.

**SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades. **OUGHT TO PASS**



Rep. George A. LaPorte for Transportation: This bill would allow those persons under 18 years of age to ride in parades without seatbelts, as common sense should prevail concerning this law. Vote 14-0.

**SB 328**, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision. OUGHT TO PASS WITH AMENDMENT

Rep. Dennis F. Abbott for Wildlife and Marine Resources: This bill, as amended, makes technical changes regarding holders of lifetime and servicemen's licenses. Additionally, it grants rulemaking authority to the Executive Director relative to Lobster Helper Licenses under RSA 211:20. Vote 11-0.

#### Amendment (3626h)

Amend the bill by replacing section 5 with the following:

5 Regulating Marine Species; Rules. Amend 211:62, I to read as follows:

I. Rules relating to the taking, inspection and processing of marine species may be made by the executive director of the fish and game department [~~with the approval of the fish and game commission, and~~] upon the advice and cooperation of the advisory committee on shore fisheries *and the fish and game commission*.

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill corrects certain references to licensing provisions in the fish and game laws. The bill also changes the procedure for the adoption of rules relating to the regulation of marine species. Referred to Executive Departments and Administration.

#### SUSPENSION OF RULES

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades.

Adopted by the necessary two-thirds.

#### MOTION ON SENATE BILL 354

Rep. Chandler moved that **SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades, be read a third time and passed.

Adopted.

#### Third reading and final passage

**SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades.

#### REGULAR CALENDAR

**HB 1102**, relative to accessibility of veterans' disability payments in divorce cases. OUGHT TO PASS WITH AMENDMENT

Rep. Anne C. Grassie for Children and Family Law: This bill provides that veterans disability payments paid to either spouse may be considered, to the extent permitted by federal law, in an action to modify an existing alimony order. This subject has been studied four times previously. The insertion of the federal laws in concert with the NH law might prevent future committees from restudying the same material. Vote 13-1.

#### Amendment (3724h)

Amend the bill by replacing sections 1-3 with the following:

1 Property Settlements; Veterans' Disability Payments. Amend RSA 458:16-a, 1 to read as follows:

I. Property shall include all tangible and intangible property and assets, real or personal, belonging to either or both parties, whether title to the property is held in the name of either or both parties. Intangible property includes, but is not limited to, employment benefits, vested and non-vested pension or other retirement benefits, or savings plans. *To the extent permitted by federal law, property shall include military retirement and veterans' disability benefits.*

2 Alimony; Veterans' Disability Payments. Amend RSA 458:19, IV(c) to read as follows:



(c) In determining amount and sources of income, the court shall not consider a minor child's social security benefit payments or a second or subsequent spouse's income. *The court may consider veterans' disability benefits collected by either or both parties to the extent permitted by federal law.*

3 Modification of Alimony Order; Veterans' Disability Payments. Amend RSA 458:19, IV(e) to read as follows:

(e) In any proceeding for modification of an existing alimony order, the earned or unearned income [and], social security disability payments of a spouse of the obligor party shall not be considered a source of income to that obligor party for the purpose of modification, unless the obligor party resigns from or refuses employment or is voluntarily unemployed or underemployed, in which case the income of a subsequent spouse may be imputed to the obligor party only to the extent that such obligor party could have earned income in his or her usual employment. *In such actions, the court may consider the veteran's disability benefits of a spouse of the obligor party to the extent permitted by federal law.*

### AMENDED ANALYSIS

This bill provides that veterans' disability payments paid to either spouse may be considered, to the extent permitted by federal law, in an action to modify an existing alimony order.  
Adopted.

Report adopted and ordered to third reading.

### SPECIAL ORDER

**HB 1271**, relative to participation by minors in certain athletic activities. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Laura C. Pantelakos for the Majority of Children and Family Law: The committee felt that the sponsors of this bill had the children's best interest at heart. But the committee felt it should be the parents right to say whether their child should be a boxer or not. Testimony was given that amateur boxing is very well controlled just like soccer, football, etc. Vote 10-3.

Rep. Mary Stuart Gile for the Minority of Children and Family Law: Boxing is the only contact sport that promotes purposeful striking and punching of the opponent's head. Unlike football, hockey and lacrosse, where hitting a player's head incurs penalties, young boxers are awarded points for blows to the head and upper torso. Testimony presented by physicians, including the past president of the New Hampshire Pediatric Society and two specialists in neurology from Dartmouth Medical School, described consequences of repeated trauma to the brain and the eyes, including the possibility of diminished intellectual capacity and lost vision. Testimony also was that no scouting program, public school, town recreation center or Boys and Girls Club offer boxing programs. Given recent research on brain development in children and adolescents, it makes sense to prohibit boxing programs for children until rules can be changed to eliminate and/or penalize purposeful blows directed to the neck and head.

Reps. Gile, Rose and Pilliod spoke against.

Rep. Beaulieu spoke in favor and yielded to questions.

Reps. Pantelakos, Kennedy and Dowling spoke in favor.

Rep. Gile request a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 238 NAYS 123**

### YEAS 238

#### BELKNAP

Bartlett, Gordon  
Lawton, David  
Turner, Robert

Boyce, Robert  
Russell, David  
Wendelboe, Francine

Czech, Stanley  
Salatiello, Thomas

Johnson, James  
Thomas, John

#### CARROLL

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Blaisdell, Michael	McGuirk, Paul	Meador, David	Pratt, John
Roberts, William	Royce, H Charles	Smith, Edwin	

**COOS**

Gallus, John	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Beaupre, Roland	Belvin, William	Bergeron, Lucien	Brundige, Robert
Bruno, Pierre	Burkush, James	Calawa, Leon Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul Sr
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Foster, Linda	Gagnon, Eugene	Goley, Jeffrey
Haley, Robert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaPorte, George	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Brewster, Richard	Daneault, Gabriel	Fortnam, Janet	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Nichols, Avis	Poulin, Dave
Reardon, Tara	Rosenfield, Jay	Soltani, Tony	Virtue, Carolyn
Whalley, Michael			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Case, Margaret	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Corbin, C David	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman

Pantelakos, Laura  
Quandt, Marshall  
Rubin, George  
Stone, Joseph  
Weare, Everett  
Zolla, William

Pitts, Jacqueline  
Rabideau, Marie  
Sapareto, Frank  
Stritch, C Donald  
Welch, David

Priestley, Anne  
Raynowska, Bernard  
Schanda, Frank  
Tufts, J Arthur  
Weyler, Kenneth

Putnam, Ed II  
Reardon, Neil  
Shelton, Richard  
Varrell, Thomas  
Whittier, John

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Keans, Sandra  
Rollo, Michael

Bickford, David  
Domingo, Baldwin  
Lent, Donald  
Torr, Franklin

Brown, Julie  
Dunlap, Patricia  
Lundborn, Raymond  
Vincent, Francis

Callaghan, Frank  
Kaen, Naida  
McKinley, Robert

### SULLIVAN

Jones, Constance  
Robb-Theroux, Amy

Kibbey, David  
Tuthill, John

Leone, Richard  
Young, David

Phinizy, James

### NAYS 123

### BELKNAP

Holbrook, Robert  
Rosen, Ralph

Millham, Alida  
Wood, Jane

Pilliod, James

Rice, Thomas

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Riley, William

DePecol, Benjamin  
Mitchell, McKim  
Rose, William

Doucette, Richard  
Pratt, Irene  
Russell, Ronald

### COOS

Davis, Perley

Guay, Lawrence

Pratt, Leighton

### GRAFTON

Copenhaver, Marion  
Nordgren, Sharon

Densmore, Jessica  
Solow, Martha

Ham, Bonnie

Johnson, Gary

### HILLSBOROUGH

Ahern, Richard  
Chabot, Robert  
Drabinowicz, A Theresa  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette  
Martin, Mary Ellen  
Reidy, Frank  
Williams, Carol

Arthur, Rose  
Clemons, Jane  
Durham, Susan  
Ginsburg, Ruth  
Hall, Betty  
LaRose, Richard  
Melcher, Harold  
Rowe, Robert

Batula, Peter  
Cote, David  
Flora, Kathleen  
Gorman, Mary  
Hansen, Herbert  
Lasky, Bette  
Moriarty, Mary  
Simon, Anthony

Buckley, Raymond  
Curran, James  
Ford, Nancy  
Goulet, Maurice  
Herman, Richard  
Lynde, Harold  
Murphy, Robert  
White, John

### MERRIMACK

Anderson, Eric  
Davis, Francis  
Gile, Mary  
Potter, Frances  
Wallin, Jean

Bouchard, Candace  
Feuerstein, Martin  
Maxfield, Roy  
Rodd, Beth  
Wallner, Mary Jane

Chase, George  
Fraser, Marilyn  
Moore, Carol  
Seldin, Gloria  
Whittemore, James

Crosby, Toni  
French, Barbara  
Owen, Derek  
St Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Dalrymple, Janeen	Gleason, John
Grant, Kenneth	Kane, Cecelia	Kelley, Jane	Norelli, Terie
O'Keefe, Patricia	Ruffner, Walter	Sabella, Norma	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Vaughn, Charles	Weatherspoon, Jackie

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Knowles, William	Pelletier, Arthur	Rogers, Rose Marie	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Wiggins, Celestine		

and the majority report was adopted.

**REGULAR CALENDAR (CONT'D.)**

**HB 1369-FN-L**, clarifying authority to regulate asbestos. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Harold P. Melcher for Environment and Agriculture: When recommitted, this bill was rewritten to eliminate the objection raised on the floor against its provision for inspection of suspected asbestos pollution on private property. As amended, this bill will provide a careful rewriting of the asbestos regulations in line with federal requirements as well as providing against serious local problems with asbestos dumps. Vote 13-3.

**Amendment (3648h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Asbestos Management and Control. RSA 141-E is repealed and reenacted to read as follows:

**CHAPTER 141-E****ASBESTOS MANAGEMENT AND CONTROL****141-E:1 Statement of Policy.**

I. The general court finds that exposure to asbestos fibers over time has been linked by medical and scientific authorities to a significant increase in the incidence of diseases, such as asbestosis, bronchogenic carcinoma, mesothelioma, and other malignancies, and that such diseases place unnecessary and preventable burdens on society while depriving the victims of livelihood, well-being, and life.

**II. The general court also finds that:**

(a) Abatement of asbestos from workplaces, schools, public facilities, and dwellings, which is carried out to reduce the exposure of the public to this health threat, further jeopardizes public health when the abatement is done without adequate safeguards and by unqualified individuals; and

(b) Asbestos disposal sites pose a potential threat to human health if improperly managed.

III. Therefore, in order to protect the health of the public from this threat, it shall be the policy of the state to establish and enforce asbestos exposure standards and to control the exposure of the public to asbestos by regulation of asbestos abatement and asbestos disposal site activities. The intent of this chapter is not to overburden the unknowing homeowner, but rather to assure commercial and industrial compliance with asbestos disposal site regulation and asbestos abatement efforts.

IV. Relative to asbestos abatement activities, it shall be the responsibility of the department of health and human services, in consultation with the commissioner of environmental services, to carry out this policy in accordance with RSA 141-E:3, I and RSA 141-E:6-11, and in such a manner as to avoid direct conflict with other state and federal requirements.

V. Relative to management of asbestos disposal sites, it shall be the responsibility of the department of environmental services, in consultation with the department of health and human services, to carry out this policy in accordance with RSA 141-E:3, II and RSA 141-E:21-25, in lieu of RSA 149-M as previously carried out, and in such a manner as to avoid direct conflict with other state and federal requirements.



141-E:2 Definitions. In this chapter:

I. "Asbestos" means amosite, chrysotile, crocidolite, or asbestiform tremolite, actinolite, or anthophyllite.

II. "Asbestos abatement" means any of the following activities:

(a) The wrecking or removal of any load-supporting structural member containing or covered by RACM, as defined in paragraph VII;

(b) The encapsulation, coating, binding, or resurfacing of structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels containing RACM for the purpose of minimizing the potential for fiber release;

(c) The construction of airtight enclosures by the use of impact resistant materials to isolate surfaces coated or containing RACM;

(d) The removal or stripping of RACM from structural members, walls, ceilings, or other building surfaces, or ducts, pipes, boilers, tanks, reactors, furnaces, or other vessels; and

(e) The repair of RACM to minimize the likelihood of fiber release from damaged areas. Repair may include, but shall not be limited to, application of duct tape, rewettable glass cloth, canvas, cement, or other suitable materials to seal exposed areas where asbestos fibers may be released, or repair of damaged, previously encapsulated, RACM with non-asbestos substitutes; and re-encapsulation or repair of enclosures around RACM.

III. "Asbestos disposal site" means land where asbestos waste exists, either in or on the ground, due to dumping activities which ceased by July 10, 1981. The term includes inactive disposal sites as defined by 40 CFR 61.141. The term does not include any disposal site which is subject to the permitting requirements of RSA 149-M.

IV. "Contractor" means any partnership, firm, association, corporation, or sole proprietorship which engages in asbestos abatement activities and/or activities involving the disturbance of asbestos at asbestos disposal sites.

V. "Department" means the department of health and human services.

VI. "Friable asbestos material" means any material that contains more than one percent of asbestos by weight, area, or volume and that can be crumbled, pulverized, or reduced to powder when dry by hand pressure.

VII. "Regulated asbestos-containing material" or "RACM" means:

(a) Friable asbestos-containing material;

(b) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that has become friable;

(c) Category I non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will be or has been subjected to sanding, grinding, sawing, or abrading; or

(d) Category II non-friable asbestos-containing material, as defined by 40 CFR 61.141, that will likely become or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

VIII. "School asbestos abatement planning" means any of the following activities:

(a) The inspection of school buildings for asbestos-containing materials;

(b) The preparation of plans for asbestos abatement in schools, pursuant to P.L. 99-519; or

(c) The design of asbestos abatement projects for school buildings.

IX. "Structural member" means any beam, ceiling, floor, or wall.

141-E:3 Duties.

I. The commissioner of health and human services shall:

(a) License contractors.

(b) Test persons and provide certificates to those who are found competent to engage in either asbestos abatement activities, school asbestos abatement planning activities, or activities involving the disturbance of asbestos at asbestos disposal sites, or any combination thereof.

(c) Collect fees for the issuance of licenses and certificates.

(d) Provide asbestos health risk information to workers who are at risk of exposure to asbestos material and to the general public on the health risks posed by asbestos.

(e) Conduct such medical and scientific studies of workers presently or previously exposed to asbestos material as necessary to fully understand, define, and describe the actual health consequences of such exposure in their workplaces. The commissioner of health and human services shall strive to determine before undertaking such studies that similar research has not already been performed or is not currently under review by other agencies.

(f) Identify and order the abatement of RACM found in public buildings and facilities, schools, or rental dwellings which exceeds the exposure standards established by this chapter.

(g) Establish safe worker practices to protect the health of asbestos abatement workers where not preempted by the Occupational Safety and Health Act.

II. The commissioner of environmental services shall:

(a) Establish practices and standards necessary to control the release of asbestos fibers during asbestos abatement activities.

(b) Establish practices and standards necessary to control the release of asbestos fibers to the ambient air during processing, transport, and disposal activities.

(c) Develop and implement an inspection and enforcement program specific to asbestos abatement activities.

(d) Establish a notification program for all asbestos abatement activities.

(e) Collect fees for asbestos abatement notification.

(f) Establish, in consultation with the department pursuant to RSA 125-H:3:

(1) Measures for remediating asbestos disposal sites to prevent human exposure to asbestos at or from such sites; and

(2) Best management practices for monitoring and maintaining covered asbestos disposal sites, for the purpose of assisting property owners and local health officers to minimize the risk of human exposure to asbestos at or from such sites.

(g) Administer a program for owners to remediate asbestos disposal sites in accordance with the measures established under paragraph (f)(1) above. The program shall include, but not be limited to, provisions for:

(1) Initiating and completing site investigations;

(2) Developing and implementing remedial action plans;

(3) Developing and implementing activity and property use restrictions as appropriate; and

(4) Documenting and certifying completion of the approved remedial action plan.

(h) In cooperation with local health officials, monitor the condition of asbestos disposal sites to assure conditions are protective of human health and comply with the requirements of this chapter.

(i) Investigate reports by local health officials of newly discovered asbestos disposal sites.

(j) Maintain a registry of asbestos disposal sites, including, but not limited to:

(1) Owner name and mailing address;

(2) Information and maps locating the disposal area;

(3) Type, depth, and areal extent of cover materials;

(4) Site inspection data; and

(5) Status of site remediation.

(k) In cooperation with local health officials, respond to urgent conditions involving the disturbance of asbestos at asbestos disposal sites.

(l) In cooperation with local health officials, establish measures for assuring compliance with activity and property use restrictions relevant to asbestos disposal sites.

(m) Consult with local health officials within the affected communities for the purpose of determining appropriate and effective means for implementing the best management practices established pursuant to RSA 141-E:3, II(f)(2), and provide technical assistance related thereto, including adoption of local ordinances pursuant to RSA 147:1.

(n) Establish recommended training, licensure and certification requirements for contractors and persons engaging in activities involving the disturbance of asbestos at asbestos disposal sites, for implementation by the commissioner of health and human services, pursuant to RSA 141-E:4, I(o).

(o) Have authority to apply for and accept federal funds or other assistance for the purpose of remediating and otherwise managing asbestos disposal sites.

III. In conducting their duties, the commissioner of health and human services and the commissioner of environmental services shall give due consideration to EPA document 560/5-85-024 June 1985 or later revision, "Guidance for Controlling Asbestos Containing Materials in Buildings." 141-E:4 Rulemaking.

I. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The definition of major and minor asbestos abatement projects.

(b) The necessary training, licensure, and certification requirements applicable to major and minor asbestos abatement projects. Such training, licensure, and certification requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(c) Safe worker practices under RSA 141-E:3, I(g).

(d) Closure of places contaminated with RACM under RSA 141-E:7. The use of the word "contaminated" when related to airborne asbestos shall be consistent with asbestos exposure standards under RSA 141-E:6.

(e) Notice and appeal procedures under RSA 141-E:7.

(f) Procedures for the inspection of buildings, including visual assessment criteria for surfacing materials and pipe and boiler insulation, and air monitoring standards consistent with RSA 141-E:7 and the issuance of orders to take corrective actions to mitigate exposure to RACM under RSA 141-E:8.

(g) The licensure of contractors, employers or other individuals undertaking asbestos abatement under RSA 141-E:10. Such licensure requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(h) The certification and training of employees or other individuals engaged in asbestos abatement and school asbestos abatement planning under RSA 141-E:11. Such certification and training requirements shall be at least as stringent as those of the federal Environmental Protection Agency's model plan set forth in 40 CFR 763, Subpart E, Appendix C.

(i) The schedule and collection of fees under RSA 141-E:12, I.

(j) The issuance of notices of violation and orders of abatement under RSA 141-E:14.

(k) The fee structure to defray the cost of compliance monitoring under RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:10; 141-E:11; and 141-E:13.

(l) Procedures for exemption from the requirements of RSA 141-E:10 and RSA 141-E:11.

(m) A schedule of administrative fines which may be imposed under RSA 141-E:16 for violation of this chapter or the rules adopted pursuant to it.

(n) Procedures for notice and hearing prior to the imposition of an administrative fine imposed under RSA 141-E:16.

(o) The necessary training, licensure, and certification requirements applicable to contractors and persons engaged in activities involving the disturbance of asbestos at asbestos disposal sites, such requirements to be determined based on the recommendations provided by the commissioner of environmental services pursuant to RSA 141-E:3, II(n).

II. The commissioner of environmental services shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Establishing work practices and engineering control standards for asbestos abatement activities, including the following:

(1) Establishing standards and practices for minimizing the release of asbestos fibers during building maintenance, construction, renovation, demolition, or other similar activities.

(2) Developing an inspection program of buildings, facilities, and property for the purpose of determining compliance with the rules adopted under this paragraph.

(3) Adopting, in whole or in relevant part, the federal national emission standards for hazardous air pollutants (40 CFR sec. 61, m).

(4) Establishing the schedule and collection of fees under RSA 141-E:12, II.

(5) Establishing a fee structure to defray the cost of compliance monitoring under RSA 141-E:9 and RSA 141-E:13;

(b) Establishing work practices, engineering control standards, and emission standards necessary to control the release of asbestos to the ambient air during processing, transport, and disposal activities; and

(c) Administering a program for the management of asbestos disposal sites, pursuant to RSA 141-E:3, II(f) – (o) and 40 CFR 61.151, as formerly administered under RSA 149-M.

141-E:5 Asbestos Abatement Advisory Committee Established. There is hereby established an asbestos abatement advisory committee for the purpose of coordinating the activities of state agencies responsible for the health, safety, and protection of the public and the environment which are



or may be affected by the presence of asbestos. The commissioner of health and human services or designee shall serve as chairperson of the committee. At a minimum the asbestos abatement advisory committee shall consist of:

- I. The governor or designee;
- II. The attorney general or designee;
- III. The commissioners, directors, or their designees, of:
  - (a) The department of education;
  - (b) The department of labor;
  - (c) The department of environmental services; and
  - (d) The department of health and human services;

IV. An asbestos abatement contractor or school asbestos abatement planner appointed by the governor;

V. A business or industrial representative appointed by the Business and Industry Association of New Hampshire; and

VI. A representative appointed by the Better Home Heat Council of New Hampshire, Inc.

#### 141-E:6 Indoor Asbestos Exposure Standards.

I. The indoor non-occupational exposure standard shall be 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, calculated as an 8 hour time weighted average.

II. The indoor occupational exposure standard shall be as provided for by the federal Occupational Safety and Health Administration in 29 CFR 1910, and the federal Environmental Protection Agency in 40 CFR 763, except that, where such standards exceed 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods, then the occupational standards shall be 0.1 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

#### 141-E:7 Limitation of Exposure; Closure of Contaminated Areas.

I. Except as provided for under RSA 141-E:6, II, no person, whether natural or not natural, owning, controlling, or managing any workplace, public building, facility, school, or rental dwelling containing asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods shall permit unnecessary exposure of any person to such conditions which are a violation of a provision of this chapter, or of a rule adopted or order issued pursuant to the authority of this chapter.

II. The department may, in the absence of other effective measures, close access to any building or facility or any portion thereof to other than those engaged in asbestos abatement and school asbestos abatement planning activities in which there have been found asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods.

III. Closure of access shall not occur until written notice has been provided to the owner or manager of the building or facility. The owner or manager shall be given the opportunity to appeal such action in accordance with RSA 541-A.

#### 141-E:8 Inspection of Building; Orders.

I. Whenever the commissioner of health and human services has reason to suspect the presence of RACM in any public building, facility, school, or rental dwelling, he or she may cause inspections to be carried out. If RACM is found in damaged or deteriorated condition or if conditions exist which could result in significant human exposure or if asbestos levels exceeding 0.01 fibers longer than 5 microns per cubic centimeter of air as determined by OSHA/NIOSH phase contrast optical microscopy methods are found, the commissioner of health and human services may order corrective action to abate the risk to the health of the public. The order may, at the discretion of the commissioner of health and human services, include notice of closure of access under RSA 141-E:7.

II. In the event that asbestos levels exceed the standards set in RSA 141-E:6, I or II, there may be a second test of samples collected over an 8-hour period or as otherwise approved by the department, analyzed by scanning or transmission electron microscopy analysis before any order of abatement is issued. The results of the scanning or transmission electron microscopy analysis, which shall be recorded in terms of the number of asbestos fibers longer than 5 micrometers per cubic centimeter of air in accordance with OSHA standard definitions for asbestos monitoring, shall prevail in the determination of whether the standard is exceeded. Such tests shall be paid for by the owner of the building or facility being analyzed.



III. The commissioner of health and human services may, upon request of the owner, inspect private dwellings for the presence of RACM. If RACM is found, the commissioner of health and human services shall make recommendations to the owner for its abatement. The commissioner of health and human services shall charge a fee for such inspections under RSA 141-E:12.

141-E:9 Control of Asbestos Emissions. No person, whether natural or not natural, owning, controlling or managing any workplace, public building, facility, school, or rental dwelling involved in asbestos abatement shall permit such abatement of asbestos in a dry state or in violation of any rules adopted by the commissioner of environmental services under this chapter unless specifically exempted by rule.

141-E:10 Licensure.

I. Any contractor, employer, or individual which engages in asbestos abatement activities or activities involving the disturbance of asbestos at asbestos disposal sites shall first obtain a license from the department, unless exempt pursuant to paragraph II below or rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(l).

II. Individuals certified pursuant to RSA 141-E:11 shall not be required to obtain a license for the performance of asbestos abatement or disturbance of asbestos at asbestos disposal sites when carried out under the authority of a contractor or employer holding a valid license issued by the department pursuant to this section.

III. A license to engage in asbestos abatement, disturbance of asbestos at any asbestos disposal site, or both, shall be issued in writing by the department and shall be valid for a period of 12 months from the date of issuance, shall be dated when issued, shall contain an expiration date, and shall be signed by the commissioner of health and human services or designee. The license shall also include the name and address of the applicant.

IV. The license or a certified copy thereof shall be available at the worksite for inspection by representatives of the department, the commissioner of environmental services, or the local government.

V. The department may grant a license to an applicant if the applicant is licensed by another state whose standards for licensure are substantially equivalent to the provisions of this section and the rules adopted by the department.

141-E:11 Certification of Employees; Reciprocity.

I. Employees and other individuals who engage in asbestos abatement, school asbestos abatement planning, or disturbance of asbestos at any asbestos disposal site shall first obtain a certificate of training from the department, unless exempt pursuant to rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(l).

II. The certificate shall be in writing, be valid for a period of 12 months from the date of issuance, be dated when issued, contain an expiration date, and be signed by the commissioner of health and human services or designee. It shall also include the name and address of the employee to whom it is issued.

III. The certificate or a certified copy thereof shall be readily available at the worksite for inspection by the representatives of the department, the commissioner of environmental services, or the local government.

IV. The department may grant certification if the employee is certified by another state whose certification is substantially equivalent to the provisions of this section and the rules adopted by the commissioner of health and human services.

141-E:12 Fees.

I. The commissioner of health and human services shall, by rule, set a schedule of fees for the granting of licenses under RSA 141-E:10, the granting of certificates under RSA 141-E:11, and the inspection of private dwellings under RSA 141-E:8, III. All fees shall be deposited in a nonlapsing account, shall be used solely for the administration of the department's responsibilities under this chapter, and are hereby continually appropriated for said purposes.

II. The commissioner of environmental services shall, by rule, set a schedule of fees for the notification of asbestos abatement projects. All such fees and the fines levied under RSA 141-E:16, II shall be deposited in a nonlapsing account, shall be used solely for the administration of the commissioner of environmental services' responsibilities under this chapter, and are hereby continually appropriated for said purposes.

141-E:13 Compliance Monitoring.

I. For the purposes of assuring compliance with RSA 141-E:7, I and II; 141-E:8, I and II; 141-E:9; 141-E:10; and 141-E:11, or with any rule adopted by the commissioner of health and human services or the commissioner of environmental services, an authorized representative of the department of health and human services or commissioner of environmental services may, upon presentation of appropriate credentials and at any reasonable time:

- (a) Enter any asbestos abatement worksite and any asbestos disposal site;
- (b) Inspect and obtain samples from the workplace and the environment for the purposes of ensuring compliance with this chapter;
- (c) Procure and examine licenses issued under RSA 141-E:10 and certificates issued under RSA 141-E:11; or
- (d) Request, inspect, and record information, or test results relating to asbestos abatement activity, school asbestos abatement planning activity, or asbestos disposal site activity.

II. Any information, other than asbestos contamination or exposure data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection shall not be disclosed by any representative of the department of health and human services or commissioner of environmental services without permission of the person whose worksite is inspected.

#### 141-E:14 Enforcement.

I. Whenever the commissioner of health and human services has reason to believe that the provisions of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by the commissioner of health and human services under this chapter has been violated, he or she shall issue a notice of violation and an order of abatement. The commissioner of health and human services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:7, I or II; 141-E:8, I or II; 141-E:10; or 141-E:11, or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.

II. Whenever the commissioner of environmental services has reason to believe that any provision of RSA 141-E:3 or any rule adopted by the commissioner of environmental services under this chapter has been violated, the commissioner of environmental services shall issue a notice of violation and an order of abatement. The commissioner of environmental services may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction or both, to enforce any provision of RSA 141-E:9 or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.

III. The notices of violation issued pursuant to paragraphs I and II of this section shall set forth the facts constituting the violation. The orders of abatement shall require elimination of the violation and shall set forth the time frame within which abatement shall be completed.

#### 141-E:15 Criminal Penalty; Fine.

I. A person shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person, if he or she knowingly and willfully:

- (a) Violates any provisions of RSA 141-E or any rule adopted under it;
- (b) Violates any term or condition of a license, certificate, or order issued under RSA 141-E; or
- (c) Makes or certifies a material false statement relative to any document or information required under RSA 141-E.

II. Notwithstanding RSA 651:2, any person may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than \$25,000 if found guilty of any violation of this chapter or any rule adopted under this chapter. Each day of violation shall constitute a separate offense.

#### 141-E:16 Administrative Fines.

I. The commissioner of health and human services, after notice and hearing, pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the commissioner of health and human services shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties or administrative actions under this chapter. The commissioner of health and human services shall adopt rules in accordance with RSA 541-A relative to administrative fines which shall be scaled to reflect the scope and severity of the violation. The sums obtained from the levying of administrative fines under this paragraph shall be forwarded to the state treasurer to be deposited into the general fund.

II.(a) The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of RSA 141-E:3, II or any rule adopted by the commissioner of environmental services under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department of environmental services pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner of environmental services under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner of environmental services in the fund established by RSA 141-E:12, II.

(b) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner of environmental services pursuant to RSA 541-A:16.

(c) The commissioner of environmental services shall determine fines in accordance with RSA 125-C:15, I-b(b).

(d) The commissioner of environmental services may assess an additional fine for repeat violations.

III. Whenever a person licensed pursuant to RSA 141-E:10 or certified pursuant to RSA 141-E:11 fails to pay an administrative fine as required by this section, the commissioner of health and human services, after notice and hearing pursuant to rules adopted under RSA 541-A, may deny, suspend, or revoke the license or certificate or may issue an appropriate order.

141-E:17 Civil Forfeiture. Any person who violates any provision of RSA 141-E or any rule adopted under it, or any term or condition of a license, certificate, or order issued under RSA 141-E, shall be subject to a civil forfeiture of up to \$25,000 for each day of a continuing violation, in addition to enforcement by injunctive relief.

141-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

141-E:19 Discharge of or Discrimination Against Employees. No employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee, or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter.

141-E:20 Federal Preemption. Nothing in this chapter shall be construed to allow the department of health and human services or the commissioner of environmental services to enforce such occupational safety and health standards which have been preempted by the Occupational Safety and Health Act of 1970, 29 U.S.C. sec. 651 et seq.

141-E:21 Release Prohibited; Asbestos Waste Sites. No person shall cause or allow asbestos fibers to be released to the environment from an asbestos disposal site.

141-E:22 Management of Asbestos Disposal Sites. The owner of an asbestos disposal site shall maintain and manage the site in accordance with this chapter and rules adopted by the commissioner of environmental services under RSA 141-E:4, II.

141-E:23 Disclosure.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes an asbestos disposal site, the seller shall disclose the following information to the buyer:

(a) The nature and extent of the asbestos waste disposed of on the property, to the extent known at the time of transfer;

(b) The existence of any outstanding obligations pertaining to compliance with the requirements of this chapter;

(c) The existence of any activity and property use restrictions;

(d) The existence and location of all known records pertaining to asbestos disposal conditions at the site.

II. Within 10 days following title transfer of an asbestos disposal site, the former property owner shall notify the commissioner of environmental services of such transfer in writing.



III. The following information shall be disclosed by the owner to any person who uses, occupies, or will likely disturb asbestos at an asbestos disposal site, such as a tenant or contractor:

(a) The presence of asbestos waste, including the location and depth of cover, to the extent known; and

(b) The need to comply with the requirements of this chapter, including activity and property use restrictions as applicable.

IV. Pursuant to 40 CFR 61.151(e), any owner of an asbestos disposal site shall record in the property chain of title at the registry of deeds for the county in which the property is located, notice of the following:

(a) That the property has been used for the disposal of asbestos waste;

(b) That the survey plot and record of the location and quantity of asbestos waste disposed of within the disposal site required in 40 CFR 61.154(f) have been filed with the commissioner of environmental services; and

(c) That the site is subject to 40 CFR part 61, subpart M.

141-E:24 Right of Entry. The commissioner of environmental services or authorized representative shall be authorized to enter, at reasonable times and in performance of his or her duties, upon any private or public property, to inspect asbestos disposal site conditions and investigate reports by local health officials of newly discovered asbestos disposal sites. If the property owner refuses to consent to the inspection, the commissioner of environmental services may obtain an administrative inspection warrant pursuant to RSA 595-B.

141-E:25 Third Party Liability. There shall be no implied cause of action for third party damages against any person under this chapter to the extent that the person's liability under this chapter is based solely on the person's ownership of an asbestos disposal site.

2 Effective Date. This act shall take effect July 1, 2000.

Adopted.

Rep. Melcher spoke in favor.

Report adopted and referred to Executive Departments and Administration.

### **HB 1483, permitting owners to choose certain health care providers for their animals. OUGHT TO PASS WITH AMENDMENT**

Rep. James Phinizy for Environment and Agriculture: After many hearings and quite a lot of input from animal owners, the veterinary field and "alternative practitioners", it was felt that a study committee will address and resolve the complex issue of alternative applications and procedures on domestic, companion animals. Vote 15-0.

#### **Amendment (3192h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the application of non-conventional veterinary procedures for domestic animals.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, 2 of whom shall be from the environment and agriculture committee, appointed by the speaker of the house.

(b) Five members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the application of non-conventional veterinary procedures for domestic animals.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.



5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill creates a committee to study the application of non-conventional veterinary procedures for domestic animals.

Adopted.

Report adopted and ordered to third reading.

**CACR 31**, relating to the constitutional duty of the legislature concerning the interest of literature and the sciences. Providing that the legislature shall no longer have the constitutional duty to promote the interest of literature and the sciences. **INEXPEDIENT TO LEGISLATE**

Rep. William S. Belvin for Finance: This CACR proposes that the legislature shall no longer have the constitutional duty to promote the interest of literature and sciences by removing this language, and the balance of the NH constitution's Article 83 of the second part, which includes the duty to cherish this interest. The committee felt this abrogation of any state responsibility for elementary and secondary public education was unwarranted. Additionally the form of the question to be put to the state's voters did not reflect the CACR's intent and would likely be ruled unconstitutional in the event that the question ever reached the state's voters. Consequently the committee recommends inexpedient to legislate. Vote 22-1.

Adopted.

**HB 1244**, establishing a committee to study requiring health care workers to use retractable needles. **OUGHT TO PASS WITH AMENDMENT**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: HB 1244 promotes methods of protection for all healthcare workers in all healthcare settings against exposure to blood borne pathogens. The committee considered and unanimously accepted an amendment jointly created with the Departments of Health and Human Services and Labor to share the promotion of safer needles and devices for employees exposed to patients with potentially infectious blood borne pathogens. After extensive discussions with all those affected, this landmark legislation will give the thousands working in the healthcare field, a much greater peace of mind and help to prevent needle stick injuries. Vote 17-0.

### Amendment (3690h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of certain needle technology.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds and declares that:

I. Each year in the United States, 150-200 health care workers die and many more suffer chronic and debilitating diseases due to injuries from needlesticks and sharps;

II. The use of conventional needles results in increased risk of HIV infection and hepatitis B and C for health care workers;

III. Equipment exists to prevent most injuries from needlesticks and sharps but concern with health care costs has impeded the widespread use of safer technologies; and

IV. It is of critical importance to the health care industry that safer needle technology be adopted to protect health care workers from needlesticks and other sharps injuries and that health care workers receive ongoing training on safe work practices.

2 New Subdivision; Protection of Health Care Workers From Injuries From Needlesticks and Sharps. Amend RSA 275 by inserting after section 56 the following new subdivision:

Protection of Health Care Workers From Injuries From Needlesticks and Sharps

275:57 Definitions. In this subdivision:

I. "Blood" means human blood, human blood components, and products made from human blood.

II. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).

III. "Commissioner" means the commissioner of the department of labor.

IV. "Health care worker" means a person whose scope of employment or practice includes an activity which puts the worker at risk for occupational exposure to bloodborne pathogens or other potentially infectious materials.

V. "Needle or needle device" means a needle of any type, including but not limited to, solid and hollow-bone needles.

VI. "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of the health care worker's duties.

VII. "Other potentially infectious materials" means:

(a) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids such as emergency response;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) Any of the following, if known or reasonably likely to contain or be infected with HIB, HBV, or HCV:

(1) Cell, tissue, or organ cultures from humans or experimental animals.

(2) Blood, organs, or other tissues from experimental animals.

(3) Culture medium or other solutions.

VIII. "Sharp" means any object used or encountered by a health care worker that can be reasonably anticipated to penetrate the skin or any other part of the body and result in an exposure incident, including but not limited to, needles, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills and burs.

275:58 Advisory Council.

I. The commissioner shall appoint an advisory council which shall consist of the following members who shall serve 2-year terms:

(a) A registered nurse.

(b) A licensed practical nurse.

(c) A physician assistant.

(d) A physician.

(e) A phlebotomist.

(f) Two representatives of health care facilities.

(g) A dentist.

(h) An emergency medical technician.

(i) An infection control person.

II. The commissioner of health and human services, or designee, shall be an ex officio member of the advisory council.

III. The council shall advise the commissioner on the content of the rules to be adopted pursuant to this subdivision and shall, upon request by the commissioner, provide technical assistance to the commissioner on issues related to the occupational exposure of health care workers to blood or other potentially infectious materials.

IV. The initial meeting of the advisory council shall be called by the commissioner within 60 days of the effective date of this subdivision. At its initial meeting the council shall select a chairperson from among its members. The council shall meet as necessary to accomplish its duties, provided that the council shall meet at least annually or at the request of the chairperson or the commissioner.

275:59 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, to protect health care workers from occupational exposure to blood or other potentially infectious materials. These rules shall not be inconsistent with the bloodborne pathogen regulations adopted by the Occupational Safety and Health Administration within the United States Department of Labor.

3 Effective Date. This act shall take effect January 1, 2001.

#### AMENDED ANALYSIS

This bill requires the commissioner of labor to adopt rules to protect health care workers from occupational exposure to blood or other potentially infectious materials. The bill establishes a 10-member advisory council to advise the commissioner of labor on such rules.

Rep. Emerton spoke against.

The amendment failed.

Rep. Emerton offered a floor amendment.

### **Floor Amendment (3904h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of certain needle technology.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Statement of Purpose.**

I. The general court finds and declares that:

(a) Each year in the United States, 150-200 health care workers die and many more suffer chronic and debilitating diseases due to injuries from needlesticks and sharps;

(b) The use of conventional needles results in increased risk of HIV infection and hepatitis B and C for health care workers;

(c) Equipment exists to prevent most injuries from needlesticks and sharps but concern with health care costs has impeded the widespread use of safer technologies; and

(d) It is of critical importance to the health care industry that safer needle technology be adopted to protect health care workers from needlesticks and other sharps injuries and that health care workers receive ongoing training on safe work practices.

II. Therefore, the general court hereby establishes an advisory council on issues related to the occupational exposure of health care workers to blood or other potentially infectious materials.

2 New Subdivision; Protection of Health Care Workers From Injuries From Needlesticks and Sharps. Amend RSA 275 by inserting after section 56 the following new subdivision:

Protection of Health Care Workers From Injuries From Needlesticks and Sharps

275:57 Definition. In this subdivision, "sharp" means any object used or encountered by a health care worker that can be reasonably anticipated to penetrate the skin or any other part of the body and result in an exposure incident, including but not limited to, needles, scalpels, lancets, broken glass, broken capillary tubes, exposed ends of dental wires and dental knives, drills and burs.

#### **275:58 Advisory Council.**

I. The labor commissioner shall appoint an advisory council which shall consist of the following members who shall serve 2-year terms:

(a) A registered nurse.

(b) A licensed practical nurse.

(c) A physician assistant.

(d) A physician.

(e) A phlebotomist.

(f) Two representatives of health care facilities.

(g) A dentist.

(h) An emergency medical technician.

(i) An infection control person.

II. The commissioner of health and human services, or designee, shall be an ex officio member of the advisory council.

III. The council shall advise the commissioner, in consultation with the commissioner of health and human services, on the content of the rules to be adopted pursuant to this subdivision and shall, upon request by the labor commissioner, provide technical assistance to the labor commissioner on issues related to the occupational exposure of health care workers to blood or other potentially infectious materials.

IV. The initial meeting of the advisory council shall be called by the commissioner within 60 days of the effective date of this subdivision. At its initial meeting the council shall select a chairperson from among its members. The council shall meet as necessary to accomplish its duties, provided that the council shall meet at least annually or at the request of the chairperson or the labor commissioner.

275:59 Rulemaking. The commissioner, in consultation with the commissioner of health and human services, shall adopt rules, pursuant to RSA 541-A, to protect health care workers in the public sector from occupational exposure to blood or other potentially infectious materials. These

rules shall not be inconsistent with the bloodborne pathogen regulations adopted for the private sector by the Occupational Safety and Health Administration within the United States Department of Labor.

3 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill requires the commissioner of labor, in consultation with the commissioner of health and human services, to adopt rules to protect health care workers from occupational exposure to blood or other potentially infectious materials. The bill establishes a 10-member advisory council to advise the commissioner of labor and the commissioner of health and human services on such rules.

Rep. Emerton spoke in favor.

Adopted.

Report adopted and ordered to third reading.

### SPECIAL ORDER

**CACR 30**, relating to judicial retirement. Providing that a judge may serve after age 70 if appointed by governor and council to a 5-year renewable term. **OUGHT TO PASS**

Rep. Martha S. Solow for Judiciary: A majority of the committee agreed that chronological age is not necessarily a determinant of a judge's ability to serve. This change in the constitution, if approved by voters, will increase the pool of experienced candidates for judgeships. Although there is reluctance to change the constitution, when that document impedes good policy, the voters deserve an opportunity to change it. Vote 10-6.

Rep. Jacobson spoke against.

Rep. Soltani spoke in favor and yielded to questions.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 162 NAYS 196

#### YEAS 162

#### BELKNAP

Johnson, James  
Wendelboe, Francine

Lawton, David  
Wood, Jane

Millham, Alida

Pilliod, James

#### CARROLL

Dickinson, Howard

#### CHESHIRE

Batchelder, Robert  
Doucette, Richard  
Meader, David  
Richardson, Barbara

Blaisdell, Michael  
Lerandeau, Alfred  
Mitchell, McKim  
Royce, H Charles

Burnham, Daniel  
Lynch, Margaret  
Pratt, Irene  
Smith, Edwin

DePecol, Benjamin  
McGuirk, Paul  
Pratt, John

#### COOS

Guay, Lawrence  
Woodward, David

Horton, Lynn

Mears, Edgar

Pratt, Leighton

#### GRAFTON

Alger, John  
Copenhaver, Marion  
Nordgren, Sharon

Almy, Susan  
Densmore, Jessica  
Scanlan, David

Brothers, Richard  
Dudley, Terri  
Solow, Martha

Cobb, John  
Johnson, Gary

#### HILLSBOROUGH

Alukonis, David  
Burkush, James  
Cote, David  
Emerton, Lawrence

Arthur, Rose  
Carlson, Donald  
Coughlin, Pamela  
Fields, Dennis

Bruno, Pierre  
Clegg, Robert Jr  
Desrosiers, William  
Flora, Kathleen

Buckley, Raymond  
Clemons, Jane  
Durham, Susan  
Ford, Nancy



Foster, Linda  
Gorman, Mary  
Jean, Loren  
LaRose, Richard  
McDonough-Wallace, Alice  
Messier, Irene  
Reidy, Frank  
Williams, Carol

Gagnon, Eugene  
Hansen, Herbert  
Johnson, Lionel  
Lasky, Bette  
McGough, Tim  
Nolan-Piteri, Dawn  
Sarette, John  
Withee, Dennis

Garrish, Linda  
Herman, Keith  
Keye, Harvey  
Lynde, Harold  
Melcher, Harold  
Ouellette, Dean  
Sargent, Maxwell

Goley, Jeffrey  
Jean, Claudette  
L'Heureux, Robert  
McCarty, Winston  
Mendenhall, Leslie  
Pepino, Leo  
Turgeon, Roland

### MERRIMACK

Anderson, Eric  
Feuerstein, Martin  
Langer, Ray  
Maxfield, Roy  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
French, Barbara  
Larrabee, David Sr  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Crosby, Toni  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Rosenfield, Jay  
Whalley, Michael

Daneault, Gabriel  
Hoadley, Elizabeth  
Marshall, Kenneth  
Poulin, Dave  
Soltani, Tony  
Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
Dowling, Patricia  
Griffin, Mary  
Katsakiores, Phyllis  
Major, Norman  
O'Keefe, Patricia  
Quandt, Marshall  
Shultis, Elizabeth  
Whittier, John

Clark, Martha  
Downing, Michael  
Hutchinson, Rebecca  
Kobel, Rudolph  
Moore, Benjamin  
Pantelakos, Laura  
Rabideau, Marie  
Splaine, James

Dalrymple, Janeen  
Fesh, Robert  
Kane, Cecelia  
Langley, Jane  
Nowe, Mary Lou  
Pitts, Jacqueline  
Reardon, Neil  
Vaughn, Charles

Dearborn, Bruce  
Gleason, John  
Katsakiores, George  
Langone, John  
Noyes, Richard  
Priestley, Anne  
Sapareto, Frank  
Weatherspoon, Jackie

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Johnson, Nancy  
Spang, Judith

Brown, Julie  
Domingo, Baldwin  
Kaen, Naida  
Vincent, Francis

Callaghan, Frank  
Gilmore, Gary  
Knowles, William  
Wall, Janet

Cossette, Larry  
Grassie, Anne  
Rogers, Rose Marie

### SULLIVAN

Donovan, Thomas Jr  
Wiggins, Celestine

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

### NAYS 196

### BELKNAP

Boyce, Robert  
Rosen, Ralph  
Turner, Robert

Czech, Stanley  
Russell, David

Holbrook, Robert  
Salatiello, Thomas

Rice, Thomas  
Thomas, John

### CARROLL

Babson, David Jr  
Kenney, Joseph  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

### CHESHIRE

Riley, William  
Zerba, Roger

Roberts, William

Rose, William

Russell, Ronald

### COOS

Davis, Perley  
Tholl, John Jr

Gallus, John

Merrill, Gerald

Rodrigue, Robert

**GRAFTON**

Akins, Ralph  
Ham, Bonnie  
Mirski, Paul  
Weber, Phil

Eaton, Stephanie  
Harmon, Hobart  
Phinney, William

Gilman, G Michael  
Hinman, Harry  
Picconi, Al

Hall, David  
Marshall, Gene  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Brundige, Robert  
Cote, Peter  
Daniels, Gary  
Dwyer, Paul Sr  
Ginsburg, Ruth  
Hall, Betty  
Kurk, Neal  
Leonard, Peter  
Martel, Andre  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Simon, Anthony  
Wall, Nancy

Andrews, Frederick  
Beaupre, Roland  
Calawa, Leon Jr  
Craig, James  
Desmarais, Vivian  
Dyer, Merton  
Goulet, Maurice  
Herman, Richard  
LaPorte, George  
Lessard, Rudy  
Martin, Mary Ellen  
Milligan, Robert  
Murphy, Robert  
Peterson, Andrew  
Tate, Joan  
White, Donald

Arnold, Thomas Jr  
Belvin, William  
Chabot, Robert  
Curran, James  
Dokmo, Cynthia  
Fenton, James  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Lefebvre, Roland  
Lozeau, Donnalee  
McColgan, Philip Jr  
Moran, Edward  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O Alan  
White, John

Baroody, Benjamin  
Bergeron, Lucien  
Christiansen, Lars  
Daigle, Robert  
Drabinowicz, A Theresa  
Fletcher, Richard  
Haley, Robert  
Hunter, Bruce  
Leishman, Peter  
MacGillivray, Jeffrey  
McDonald, James Sr  
Moriarty, Mary  
O'Hearn, Jane  
Rowe, Robert  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
Fraser, Marilyn  
Kennedy, Richard  
Owen, Derek

Chase, George  
Hager, Elizabeth  
Leber, William  
Seldin, Gloria

Davis, Francis  
Hess, David  
Marple, Richard  
St Cyr, Gerard

Fortnam, Janet  
Jacobson, Alf  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Vivian  
Dunham, Vivian  
Francoeur, Sheila  
Henderson, Warren  
Letourneau, Robert  
Norelli, Terie  
Raynowska, Bernard  
Schanda, Frank  
Stritch, C Donald  
Weare, Everett

Beaulieu, Jon  
Bridle, Russell  
Cooney, Richard  
Flanagan, Natalie  
Gibbons, Paul  
Hutchinson, Karen  
McKinney, Betsy  
O'Neil, Michael  
Rubin, George  
Shelton, Richard  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Case, Margaret  
Corbin, C David  
Flanders, David  
Grant, Kenneth  
Johnston, Robert  
Mikowski, Walter  
Packard, Sherman  
Ruffner, Walter  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Christie, Andrew Jr  
DiFruscia, Anthony  
Flanders, John Sr  
Hamel, Albert  
Kelley, Jane  
Morse, Charles  
Putnam, Ed II  
Sabella, Norma  
Stone, Joseph  
Verani, Giovanni  
Zolla, William

**STRAFFORD**

Berube, Roger  
Estabrook, Iris  
Lundborn, Raymond  
Smith, Marjorie  
Torr, Franklin  
Woods, Phyllis

Brennan, William  
Heon, Richard  
McKinley, Robert  
Snyder, Clair  
Tsiros, William

Brown, George  
Keans, Sandra  
Pelletier, Arthur  
Spear, Barbara  
Twardus, Joseph

Dunlap, Patricia  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Kibbey, David

Cloutier, John  
Leone, Richard

Flint, Gordon Sr  
Young, David

Jones, Constance

and the report failed.

Rep. Mock moved Inexpedient to Legislate.

Adopted.

Reps. Burling and Dalianis declared conflicts of interest and did not participate.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill 354.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### RECESS

(Speaker Sytek in the Chair)

### REGULAR CALENDAR (CONT'D.)

**HB 1116-FN**, prohibiting partial-birth abortions. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Sandra B. Keans for Majority of Judiciary: The committee heard complex medical and legal testimony regarding abortion procedures and the potential health consequences of the proposed restrictions for pregnant women. The majority concluded that legislators should not regulate medicine in a way that undermines the safety of women's health or interferes with the privacy of the decision-making between a woman, her family and her doctor. In addition, several provisions of the bill are clearly unconstitutional and directly interfere with a woman's right to privacy as established in *Roe v. Wade*. Efforts were made to address the constitutional flaws in the bill with a proposed amendment, however, the sponsors were not in favor of the amended version. HB 1116-FN is legally flawed and detrimental to women's health. Vote 13-8.

Rep. Phyllis L. Woods for the Minority of Judiciary: The minority of the committee believed that the people of New Hampshire do not want to allow this barbaric procedure, partial-birth abortions, to be performed in this state. Partial-birth abortion kills a baby in the process of being born, is never necessary to preserve the life, health, or future fertility of the woman, and is in fact an unrecognized medical procedure which is dangerous to women.

Reps. Martin, Jane Wood, Vaillancourt and Phyllis Woods spoke against.

Reps. Keans, Millham, Jacobson and Craig spoke in favor.

Rep. John Pratt spoke in favor and yielded to questions.

Rep. Phyllis Woods requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 185 NAYS 176

#### YEAS 185

#### BELKNAP

Millham, Alida  
Turner, Robert

Pilliod, James

Russell, David

Salatiello, Thomas

#### CARROLL

Babson, David Jr  
Sullivan, P Judith

Bradley, Jeb

Dickinson, Howard

Philbrick, Donald

#### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Riley, William

Blaisdell, Michael  
Lynch, Margaret  
Pratt, Irene  
Russell, Ronald

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Smith, Edwin

DePecol, Benjamin  
Meador, David  
Richardson, Barbara

#### COOS

Davis, Perley  
Landers, Dana

Gallus, John  
Mears, Edgar

Glines, Sara  
Merrill, Gerald

Horton, Lynn  
Rodrigue, Robert

#### GRAFTON

Almy, Susan  
Eaton, Stephanie  
Solow, Martha

Cobb, John  
Johnson, Gary

Copenhaver, Marion  
Marshall, Gene

Densmore, Jessica  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arthur, Rose	Belvin, William
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Carlson, Donald
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Desmarais, Vivian	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Fields, Dennis	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Johnson, Lionel
Keye, Harvey	Kurk, Neal	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	McCarty, Winston
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Murphy, Robert	O'Hearn, Jane	Peterson, Andrew	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Thulander, O Alan	Turgeon, Roland
Williams, Carol	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Bridle, Russell
Clark, Martha	Clark, Vivian	Dearborn, Bruce	Francoeur, Sheila
Gleason, John	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Rubin, George
Sabella, Norma	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stone, Joseph	Tufts, J Arthur	Vaughn, Charles
Verani, Giovanni	Weatherspoon, Jackie	Whittier, John	

**STRAFFORD**

Brennan, William	Brown, Julie	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Vachon, Dennis	Vincent, Francis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Kibbey, David
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

**NAYS 176****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas	Rosen, Ralph
Wendelboe, Francine	Wood, Jane		

**CARROLL**

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey		



**CHESHIRE**

Doucette, Richard  
Zerba, Roger

Roberts, William

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence

Pratt, Leighton

Tholl, John Jr

Woodward, David

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Hinman, Harry  
Scanlan, David

Alger, John  
Hall, David  
Mirski, Paul  
Ward, Brien

Brothers, Richard  
Ham, Bonnie  
Phinney, William  
Weber, Phil

Dudley, Terri  
Harmon, Hobart  
Picconi, Al

**HILLSBOROUGH**

Andrews, Frederick  
Beaupre, Roland  
Christiansen, Lars  
Daniels, Gary  
Emerton, Lawrence  
Ford, Nancy  
Hansen, Herbert  
Jean, Claudette  
LaRose, Richard  
Martel, Andre  
McGough, Tim  
Moriarty, Mary  
Ouellette, Dean  
Reidy, Frank  
Wall, Nancy

Arnold, Thomas Jr  
Brundige, Robert  
Clegg, Robert Jr  
Desrosiers, William  
Fenton, James  
Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
Lefebvre, Roland  
Martin, Mary Ellen  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Sarette, John  
White, Donald

Barody, Benjamin  
Bruno, Pierre  
Daigle, Robert  
Drabinowicz, A Theresa  
Fletcher, Richard  
Goulet, Maurice  
Holley, Sylvia  
L'Heureux, Robert  
Lessard, Rudy  
McColgan, Philip Jr  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Tate, Joan  
White, John

Batula, Peter  
Chabot, Robert  
Dalianis, Griffin  
Dwyer, Paul Sr  
Flora, Kathleen  
Haley, Robert  
Hunter, Bruce  
LaPorte, George  
MacGillivray, Jeffery  
McDonald, James Sr  
Moran, Edward  
O'Connell, Timothy  
Reeves, Sandra  
Vaillancourt, Steve

**MERRIMACK**

Daneault, Gabriel  
Leber, William  
St Cyr, Gerard

Kennedy, Richard  
Nichols, Avis  
Whalley, Michael

Langer, Ray  
Poulin, Dave  
Whittemore, James

Larrabee, David Sr  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
Downing, Michael  
Flanders, David  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Quandt, Marshall  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

Beaulieu, Jon  
Cooney, Richard  
Dunham, Vivian  
Flanders, John Sr  
Hamel, Albert  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Rabideau, Marie  
Sapareto, Frank  
Weare, Everett

Bishop, Franklin  
Corbin, C David  
Fesh, Robert  
Gibbons, Paul  
Henderson, Warren  
Langley, Jane  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Raynowska, Bernard  
Stickney, Nancy  
Welch, David

Case, Margaret  
DiFruscia, Anthony  
Flanagan, Natalie  
Grant, Kenneth  
Katsakiores, George  
Langone, John  
Mikowski, Walter  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
Cossette, Larry  
Spear, Barbara  
Woods, Phyllis

Bickford, David  
Heon, Richard  
Torr, Franklin

Brown, George  
Knowles, William  
Tsiros, William

Callaghan, Frank  
McKinley, Robert  
Twardus, Joseph

**SULLIVAN**

Donovan, Thomas Jr

Jones, Constance

Leone, Richard

Young, David

and the majority report was adopted.

Rep. Turgeon voted Yea and intended to vote Nay.

**HB 1511-FN**, requiring parental notification before abortions may be performed on unemancipated minors. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Cynthia J. Dokmo for the Majority of Judiciary: This bill would require medical providers to provide written notification to the parent(s) of all young women under the age of 18 seeking to obtain an abortion. The bill would establish a judicial review process in the New Hampshire district courts for minor women who feel that they cannot involve their parents due to abuse or other threatening family circumstances. While the committee was very supporting of encouraging parent-daughter communication and adult involvement at the time of a crisis pregnancy, the majority did not believe mandating such communication would result in improved relationships between parents and their teen-age daughters. Compelling evidence from other states suggests that this measure will not result in improved familial communication, nor will it reduce the number of teens who are sexually active, who get, pregnant, who seek abortions or who give birth. This bill will, however, place a significant financial and scheduling burden on the court system with an undeterminable fiscal impact. It may also endanger the lives of young women who delay or forego medical care due to fear of forced parental involvement. Vote 13-8.

Rep. Tony F. Soltani for Minority of Judiciary: Currently minor children cannot obtain a driver's license, enter into a contract or receive any care without the consent of their parents. However, a minor under the age of eighteen (18) can obtain an abortion on demand without any notice to or consent from either parent. The family bond is too sacred and parental guidance is an essential element of growth and human development. The policy of excluding the parents from such an important decision is inconsistent with New Hampshire public policy, history and tradition. The legislature should seek to preserve the family and not aid in its disintegration.

Rep. Brothers spoke against.

Rep. Withee spoke against and yielded to questions.

Reps. Lasky and Leishman spoke in favor.

Rep. Brothers requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 209 NAYS 145

### YEAS 209

#### BELKNAP

Bartlett, Gordon	Czech, Stanley	Millham, Alida	Pilliod, James
Rice, Thomas	Russell, David	Salatiello, Thomas	Turner, Robert

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Philbrick, Donald
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#### CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Royce, H Charles	Russell, Ronald	Smith, Edwin

#### COOS

Davis, Perley	Gallus, John	Glines, Sara	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Eaton, Stephanie	Johnson, Gary
Marshall, Gene	Nordgren, Sharon	Scanlan, David	Solow, Martha

#### HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Belvin, William	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Carlson, Donald	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James

Daigle, Robert  
Emerton, Lawrence  
Foster, Linda  
Haettenschwiller, Alphonse  
Herman, Keith  
Kurk, Neal  
Lozeau, DonnaLee  
Melcher, Harold  
Nolan-Piteri, Dawn  
Rowe, Robert  
Turgeon, Roland

Dokmo, Cynthia  
Fenton, James  
Garrison, Linda  
Haley, Robert  
Herman, Richard  
Lasky, Bette  
Lynde, Harold  
Mendenhall, Leslie  
O'Connell, Timothy  
Sargent, Maxwell  
White, Donald

Durham, Susan  
Fields, Dennis  
Ginsburg, Ruth  
Hall, Betty  
Johnson, Lionel  
Leishman, Peter  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Simon, Anthony  
White, John

Dyer, Merton  
Ford, Nancy  
Gorman, Mary  
Hansen, Herbert  
Keye, Harvey  
Leonard, Peter  
McDonough-Wallace, Alice  
Messier, Irene  
Peterson, Andrew  
Thulander, O Alan  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Maxfield, Roy  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Bouchard, Candace  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Marple, Richard  
Owen, Derek  
Rosenfield, Jay  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Hoadley, Elizabeth  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Bridle, Russell  
Clark, Vivian  
Flanders, John Sr  
Johnson, Robert  
Langley, Jane  
O'Neil, Michael  
Sabella, Norma  
Shultis, Elizabeth  
Tufts, J Arthur

Beaulieu, Jon  
Case, Margaret  
Dearborn, Bruce  
Francoeur, Sheila  
Kane, Cecelia  
McKinney, Betsy  
Pantelakos, Laura  
Sapareto, Frank  
Splaine, James  
Vaughn, Charles

Belanger, Ronald  
Christie, Andrew Jr  
Dowling, Patricia  
Hutchinson, Karen  
Kelley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Schanda, Frank  
Stone, Joseph  
Weatherspoon, Jackie

Blanchard, MaryAnn  
Clark, Martha  
Flanagan, Natalie  
Hutchinson, Rebecca  
Kobel, Rudolph  
O'Keefe, Patricia  
Rubin, George  
Shelton, Richard  
Stritch, C Donald  
Whittier, John

### STRAFFORD

Bickford, David  
Domingo, Baldwin  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brown, Julie  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin

DeChane, Marlene  
Gilmore, Gary  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

### SULLIVAN

Allison, David  
Kibbey, David  
Tuthill, John

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Jones, Constance  
Robb-Theroux, Amy

### NAYS 145

### BELKNAP

Boyce, Robert  
Rosen, Ralph

Holbrook, Robert  
Wendelboe, Francine

Johnson, James  
Wood, Jane

Lawton, David

### CARROLL

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Sullivan, P Judith

Lyman, L Randy

**CHESHIRE**

Doucette, Richard	Roberts, William	Rose, William	Zerba, Roger
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**COOS**

Guay, Lawrence	Landers, Dana	Tholl, John Jr	Woodward, David
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**GRAFTON**

Brothers, Richard	Dudley, Terri	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Mirski, Paul
Phinney, William	Picconi, Al	Ward, Brian	Weber, Phil

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Brundige, Robert	Bruno, Pierre	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Drabinowicz, A Theresa	Fletcher, Richard	Flora, Kathleen
Gagnon, Eugene	Goulet, Maurice	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Jean, Loren	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Lefebvre, Roland	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary Ellen	McColgan, Philip Jr	McDonald, James Sr	McGough, Tim
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Reidy, Frank	Sarette, John	Tate, Joan
Vaillancourt, Steve	Wall, Nancy	Withee, Dennis	

**MERRIMACK**

Brewster, Richard	Daneault, Gabriel	Hess, David	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Leber, William	Nichols, Avis
Poulin, Dave	Soltani, Tony	St Cyr, Gerard	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Cooney, Richard	Corbin, C David
DiFruscia, Anthony	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanders, David	Gibbons, Paul	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Langone, John	Letourneau, Robert	Major, Norman
Mikowski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Rearдон, Neil	Ruffner, Walter	Stickney, Nancy	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Beube, Roger	Brown, George	Callaghan, Frank	Cossette, Larry
Heon, Richard	McKinley, Robert	Spear, Barbara	Tsiros, William
Woods, Phyllis			

**SULLIVAN**

Donovan, Thomas Jr      Young, David  
and the majority report was adopted.

**HB 1241, relative to third person liability under the workers' compensation law. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill as amended clarifies third person liability in workers compensation statute. A recent court decision had determined a need to clarify employers immunity from third party liability suits under their uninsured



motorists coverage. This bill as amended maintains legislative intent for workers to receive benefits for injury and employers to be immune from additional claims outside of workers compensation except claims made for gross negligence or intentional acts of harm. Vote 15-3.

### **Amendment (3576h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Term Clarified. Amend RSA 281-A:13 by inserting after paragraph II the following new paragraph:

II-a. For the purposes of paragraph I and II of this section, the term "another person" shall not include the employee's employer, or any officer, agent, servant, or employee acting on behalf of the employer. Nothing in this chapter shall be deemed to create a duty or obligation on the part of any uninsured or underinsured motor vehicle carrier if the injured party has made a claim or is eligible to make a claim for worker's compensation benefits under this chapter and the injury is the result of an action by the employee, the employee's employer, or any officer, agent, servant, or employee acting on behalf of the employer.

2 Effective Date. This act shall take effect 60 days after its passage.

### **AMENDED ANALYSIS**

This bill clarifies the definition of a third person for purposes of the workers' compensation law. Adopted.

Rep. Craig spoke against and yielded to questions.

Rep. Clegg spoke in favor.

Rep. Keith Herman spoke in favor and yielded to questions.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### **YEAS 216 NAYS 131**

#### **YEAS 216**

##### **BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

##### **CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

##### **CHESHIRE**

Pratt, Irene	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

##### **COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

##### **GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Scanlan, David	Ward, Brien
Weber, Phil			

##### **HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr

Carlson, Donald  
 Dalianis, Griffin  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Hansen, Herbert  
 Jean, Claudette  
 L'Heureux, Robert  
 Leonard, Peter  
 Martin, Mary Ellen  
 Mercer, Robert  
 Mosher, William  
 Ouellette, Dean  
 Sargent, Maxwell  
 Vaillancourt, Steve

Chabot, Robert  
 Daniels, Gary  
 Durham, Susan  
 Flora, Kathleen  
 Herman, Keith  
 Jean, Loren  
 LaPorte, George  
 Lozeau, Donnalee  
 McCarty, Winston  
 Messier, Irene  
 Nolan-Piteri, Dawn  
 Pappas, Marc  
 Tate, Joan  
 Wall, Nancy

Christiansen, Lars  
 Desmarais, Vivian  
 Dyer, Merton  
 Gagnon, Eugene  
 Holley, Sylvia  
 Johnson, Lionel  
 LaRose, Richard  
 MacGillivray, Jeffrey  
 McDonald, James Sr  
 Milligan, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Thulander, O Alan  
 White, Donald

Clegg, Robert Jr  
 Desrosiers, William  
 Fields, Dennis  
 Goulet, Maurice  
 Hunter, Bruce  
 Kurk, Neal  
 Leishman, Peter  
 Martel, Andre  
 McGough, Tim  
 Moran, Edward  
 O'Hearn, Jane  
 Rowe, Robert  
 Turgeon, Roland  
 Withee, Dennis

### MERRIMACK

Anderson, Eric  
 Hager, Elizabeth  
 Leber, William  
 Maxfield, Roy  
 Soltani, Tony

Brewster, Richard  
 Hoadley, Elizabeth  
 Lockwood, Priscilla  
 Nichols, Avis  
 Virtue, Carolyn

Davis, Francis  
 Kennedy, Richard  
 Marple, Richard  
 Poulin, Dave  
 Whalley, Michael

Feuerstein, Martin  
 Larrabee, David Sr  
 Marshall, Kenneth  
 Rosenfield, Jay  
 Whittemore, James

### ROCKINGHAM

Arndt, Janet  
 Case, Margaret  
 Corbin, C David  
 Downing, Michael  
 Flanders, John Sr  
 Grant, Kenneth  
 Hutchinson, Rebecca  
 Kobel, Rudolph  
 Major, Norman  
 Nowe, Ronald  
 Putnam, Ed II  
 Rubin, George  
 Stickney, Nancy  
 Varrell, Thomas  
 Weyler, Kenneth

Beaulieu, Jon  
 Christie, Andrew Jr  
 Dearborn, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Griffin, Mary  
 Johnson, Robert  
 Langley, Jane  
 McKinney, Betsy  
 Noyes, Richard  
 Quandt, Marshall  
 Ruffner, Walter  
 Stone, Joseph  
 Verani, Giovanni  
 Whittier, John

Belanger, Ronald  
 Clark, Vivian  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Hamel, Albert  
 Katsakiores, George  
 Langone, John  
 Mikowski, Walter  
 Packard, Sherman  
 Rabideau, Marie  
 Sabella, Norma  
 Stritch, C Donald  
 Wear, Everett  
 Zolla, William

Bishop, Franklin  
 Cooney, Richard  
 Dowling, Patricia  
 Flanders, David  
 Gleason, John  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Letourneau, Robert  
 Nowe, Mary Lou  
 Priestley, Anne  
 Raynowska, Bernard  
 Sapareto, Frank  
 Tufts, J Arthur  
 Welch, David

### STRAFFORD

Brown, Julie  
 Dunlap, Patricia  
 Torr, Franklin  
 Woods, Phyllis

Callaghan, Frank  
 Kaen, Naida  
 Tsiros, William

Cossette, Larry  
 McKinley, Robert  
 Vincent, Francis

Domingo, Baldwin  
 Spear, Barbara  
 Wall, Janet

### SULLIVAN

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 131

### BELKNAP

Salatiello, Thomas

Wood, Jane

None

### CARROLL

### CHESHIRE

Batchelder, Robert  
 Lerandeau, Alfred  
 Mitchell, McKim  
 Russell, Ronald

Blaisdell, Michael  
 Lynch, Margaret  
 Pratt, John  
 Zerba, Roger

Burnham, Daniel  
 McGuirk, Paul  
 Richardson, Barbara

DePecol, Benjamin  
 Meader, David  
 Riley, William

**COOS**

Gliness, Sara

Rodriguez, Robert

**GRAFTON**

Almy, Susan

Copenhaver, Marion

Densmore, Jessica

Johnson, Gary

Nordgren, Sharon

Picconi, Al

Solow, Martha

**HILLSBOROUGH**

Ahern, Richard

Arthur, Rose

Baroody, Benjamin

Buckley, Raymond

Burkush, James

Cote, David

Cote, Peter

Craig, James

Curran, James

Daigle, Robert

Drabinowicz, A Theresa

Dwyer, Paul Sr

Fenton, James

Ford, Nancy

Foster, Linda

Garrish, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haettenschwiller, Alphonse

Haley, Robert

Hall, Betty

Herman, Richard

Keye, Harvey

Lasky, Bette

Lynde, Harold

McColgan, Philip Jr

McDonough-Wallace, Alice

Melcher, Raymond

Mendenhall, Leslie

Moriarty, Mary

Murphy, Robert

Pepino, Leo

Peterson, Andrew

Reidy, Frank

Sarette, John

Simon, Anthony

White, John

Williams, Carol

**MERRIMACK**

Bouchard, Candace

Chase, George

Crosby, Toni

Daneault, Gabriel

Fortnam, Janet

Fraser, Marilyn

French, Barbara

Gile, Mary

Jacobson, Alf

Langer, Ray

Moore, Carol

Owen, Derek

Potter, Frances

Reardon, Tara

Rodd, Beth

Seldin, Gloria

Wallin, Jean

Wallner, Mary Jane

Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis

Blanchard, MaryAnn

Bridle, Russell

Clark, Martha

Hutchinson, Karen

Kane, Cecelia

Kelley, Jane

Norelli, Terie

O'Neil, Michael

Pantelakos, Laura

Pitts, Jacqueline

Reardon, Neil

Schanda, Frank

Shelton, Richard

Shultis, Elizabeth

Vaughn, Charles

Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger

Bickford, David

Brennan, William

Brown, George

DeChane, Marlene

Estabrook, Iris

Gilmore, Gary

Heon, Richard

Johnson, Nancy

Keans, Sandra

Knowles, William

Lent, Donald

Lundborn, Raymond

Pelletier, Arthur

Pelletier, Marsha

Rogers, Rose Marie

Rollo, Michael

Smith, Marjorie

Snyder, Clair

Spang, Judith

Taylor, Kathleen

Twardus, Joseph

Vachon, Dennis

**SULLIVAN**

Allison, David

Burling, Peter

Cloutier, John

Donovan, Thomas Jr

Phinizy, James

Robb-Theroux, Amy

Tuthill, John

Wiggins, Celestine

and the report was adopted.

Ordered to third reading.

Reps. Hess and Young declared conflicts of interest and did not participate.

**HB 1313-L**, relative to amending official ballot warrant articles. **INEXPEDIENT TO LEGISLATE**

Rep. Paul A. McGuirk for Municipal and County Government: Petitioned warrant articles have and should be subject to the will of the legislative body. The process of achieving a desired result is the responsibility of those submitting the petition. The majority of the Municipal and County Government Committee voted to continue the time honored traditions of open debate, full and free power to amend, and ultimate disposition of any warrant article. A large majority of the committee believes that tradition is good and should continue. As a recent court decision acknowledged, warrant articles in SB-2 towns may be amended in the same way and to the same extent as warrant articles have traditionally been amended in all New Hampshire towns

and school meetings. The Committee felt there was no reason why petitioned warrant articles in SB-2 towns should be singled out for unique treatment Vote 14-4.

Rep. MacGillivray spoke against.

Rep. Brundige spoke in favor.

Adopted.

**HB 1305-L**, exempting water withdrawals for normal agricultural operations from certain restrictions on water withdrawals. **INEXPEDIENT TO LEGISLATE**

Rep. MaryAnn N. Blanchard for Resources, Recreation and Development: The committee was sympathetic to the concerns of the agriculture community as they anticipate the impact of the proposed instream flow rules developed by the Rivers Management Advisory Committee (RMAC). These rules are to be phased-in over a five year period to allow for adjustment. It is important to note that these rules apply to only drought conditions and only river segments whose towns elected to be part of the state Rivers Management Protection Program to "Food Producing Farms". The RMAC consists of members representing diverse interest, including the Commissioner of Agriculture and a representative from the agricultural community. The rules proposed represent a laboriously reached balance of water needs of all in times of low flow. The committee feels that the concerns of the agriculture community are also shared by businesses, snowmakers, and other hydro uses. To exempt these would create a race of similar exemptions from other interests, undermining the balance created through a seven year process. It is premature to preempt this process by exempting a single user group at this time. Vote 7-6.

Adopted.

**HB 1406**, relative to transition service. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: This amendment adopts a finding that the proposed price of electric power under the transition service portion of the settlement with PSNH may be underpriced given current wholesale electricity prices. Transition service is an option for customers who do not choose a competitive supplier in the first three years of electric restructuring. The committee is concerned that potential underpricing of transition service could create significant deferrals of costs to be repaid by customers with interest in the future. The committee is also concerned that potential underpricing could reduce competitive forces in the early years of electric restructuring. The committee is examining ways to achieve the 18% proposed rate reduction to the greatest extent possible while eliminating potential deferrals. The consultants hired by the legislature have warned against transition service underpricing. This amended bill in no way approves either securitization or the proposed settlement. The bill is intended to send a strong signal to the Public Utilities Commission that significant deferrals of costs are undesirable and should be frowned upon. Vote 15-0.

### Amendment (3678h)

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds that:

I. Transition service procured through competitive means continues to be necessary in order to establish customer choice and a restructured electricity industry.

II. Transition service as proposed in the filed settlement with Public Service Company of New Hampshire (PSNH) is likely to be priced significantly below current market prices based upon other recent competitive bids in the northeast. Underpricing of transition service would create significant deferrals of costs. These deferrals could come as a result of current market prices for electricity that are significantly higher than the proposed transition service pricing of 3.7, 3.8, and 3.9 cents per kilowatt hour for the 3-year duration of transition service. Under the settlement these costs are to be paid back with a return to PSNH in the future.

III. Deferrals of costs attributed to transition service underpricing could exceed \$100 million for PSNH customers to be repaid with a return. Deferral repayment could occur at a time when the New Hampshire economy may not be robust, at a time when declining costs in other states could create a future rate gap for New Hampshire, and at a time when technological innovation may allow self generation to be more viable than it is today.

IV. Transition service underpricing would undermine the ability of competitive electricity markets to be established over time in New Hampshire.



V. Therefore the general court finds that deferrals of costs attributed to transition service underpricing are not acceptable and that transition service shall be established at prices that are realistic market prices given current market conditions.

VI. These provisions are not intended to apply to any utility which is implementing its transition service through a settlement approved by the public utilities commission prior to March 1, 2000.

2 Electric Utility Restructuring; Restructuring Policy Principles; Universal Service; Transition Service; Required Purchases. Amend RSA 374-F:3, V(b) to read as follows:

(b) As competitive markets emerge, customers should have the option of stable and predictable ceiling electricity prices through a reasonable transition period, consistent with the near term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition service should be available for at least 2 but not more than 4 years after the start of competition, for customers who have not yet chosen a competitive electricity supplier. Transition service should be procured through competitive means and may be administered by independent third parties. *The commission may utilize a utility's required purchases from qualifying facilities to meet a portion of transition service if it finds such utilization is in the public interest.* The price of transition service should increase over time to encourage customers to choose a competitive electricity supplier during the transition period. Such transition service should be separate and distinct from default service.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

**HR 20**, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. J. Arthur Tufts for the Majority of State-Federal Relations and Veterans Affairs: This bill only sends a message to Congress to support Senate Joint Resolution (SJR) 1, which does not mandate or enact any laws. The bill and federal article do not mandate any school prayer or meditation in public buildings. Congress is urged to adopt this federal resolution. "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds each House concurring therein). That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress". The federal article for insertion into the Constitution is: "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools" Vote 8-5.

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The minority felt that to request to amend the Constitution of the United States required additional study by the committee.

Reps. Gary Johnson and Jacobson spoke against.

Reps. Richard Herman and Potter spoke against and yielded to questions.

Reps. Buckley and Ronald Nowe spoke in favor.

Rep. Burling spoke to the bill.

Rep. Ronald Nowe requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### MOTION TO LAY ON THE TABLE

Rep. Eugene Gagnon moved that **HR 20**, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer, be laid on the table.

On a division vote, 156 members having voted in the affirmative and 185 in the negative, the motion failed.

The question now being the adoption of the majority report.

**YEAS 162 NAYS 179****YEAS 162****BELKNAP**

Bartlett, Gordon  
Rice, Thomas  
Wendelboe, Francine

Boyce, Robert  
Rosen, Ralph  
Wood, Jane

Johnson, James  
Russell, David

Lawton, David  
Turner, Robert

**CARROLL**

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Meador, David

Roberts, William

Rose, William

**COOS**

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

Merrill, Gerald

**GRAFTON**

Alger, John  
Gilman, G Michael  
Mirski, Paul  
Weber, Phil

Brothers, Richard  
Hall, David  
Phinney, William

Cobb, John  
Harmon, Hobart  
Picconi, Al

Dudley, Terri  
Hinman, Harry  
Ward, Brien

**HILLSBOROUGH**

Andrews, Frederick  
Beaupre, Roland  
Chabot, Robert  
Daniels, Gary  
Dyer, Merton  
Gagnon, Eugene  
Hunter, Bruce  
LaPorte, George  
Martel, Andre  
McDonough-Wallace, Alice  
Milligan, Robert  
Pepino, Leo  
Sarette, John  
Wall, Nancy

Arnold, Thomas Jr  
Brundige, Robert  
Christiansen, Lars  
Desmarais, Vivian  
Emerton, Lawrence  
Goulet, Maurice  
Jean, Loren  
LaRose, Richard  
Martin, Mary Ellen  
McGough, Tim  
Mosher, William  
Reeves, Sandra  
Sargent, Maxwell  
White, Donald

Baroody, Benjamin  
Bruno, Pierre  
Clegg, Robert Jr  
Desrosiers, William  
Fenton, James  
Herman, Keith  
Johnson, Lionel  
Lefebvre, Roland  
McColgan, Philip Jr  
Mendenhall, Leslie  
Nolan-Piteri, Dawn  
Reidy, Frank  
Tate, Joan  
Withee, Dennis

Batula, Peter  
Buckley, Raymond  
Dalianis, Griffin  
Drabinowicz, A Theresa  
Fletcher, Richard  
Holley, Sylvia  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonald, James Sr  
Mercer, Robert  
Pappas, Marc  
Rowe, Robert  
Turgeon, Roland

**MERRIMACK**

Hess, David  
Larrabee, David Sr  
Poulin, Dave

Hoadley, Elizabeth  
Leber, William  
Soltani, Tony

Kennedy, Richard  
Marshall, Kenneth  
Whalley, Michael

Langer, Ray  
Nichols, Avis  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Cooney, Richard  
Downing, Michael  
Flanders, John Sr  
Hamel, Albert  
Langone, John  
Nowe, Mary Lou  
Packard, Sherman

Beaulieu, Jon  
Corbin, C David  
Fesh, Robert  
Gleason, John  
Katsakiores, George  
Letourneau, Robert  
Nowe, Ronald  
Priestley, Anne

Belanger, Ronald  
Dearborn, Bruce  
Flanagan, Natalie  
Grant, Kenneth  
Katsakiores, Phyllis  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II

Bridle, Russell  
DiFruscia, Anthony  
Flanders, David  
Griffin, Mary  
Langley, Jane  
Mikowski, Walter  
O'Neil, Michael  
Quandt, Marshall

Rabideau, Marie  
Varrell, Thomas  
Whittier, John

Raynowska, Bernard  
Weare, Everett  
Zolla, William

Ruffner, Walter  
Welch, David

Stone, Joseph  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Torr, Franklin

Brown, George  
Tsiros, William

Cossette, Larry  
Vincent, Francis

McKinley, Robert  
Woods, Phyllis

### SULLIVAN

Leone, Richard

Young, David

### NAYS 179

### BELKNAP

Czech, Stanley  
Salatiello, Thomas

Holbrook, Robert

Millham, Alida

Pilliod, James

### CARROLL

Babson, David Jr

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Pratt, Irene  
Royce, H Charles

Blaisdell, Michael  
Lynch, Margaret  
Pratt, John  
Russell, Ronald

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara  
Smith, Edwin

DePecol, Benjamin  
Mitchell, McKim  
Riley, William  
Zerba, Roger

### COOS

Davis, Perley  
Rodrigue, Robert

Glines, Sara

Landers, Dana

Mears, Edgar

### GRAFTON

Akins, Ralph  
Ham, Bonnie  
Scanlan, David

Almy, Susan  
Johnson, Gary  
Solow, Martha

Copenhaver, Marion  
Marshall, Gene

Densmore, Jessica  
Nordgren, Sharon

### HILLSBOROUGH

Ahern, Richard  
Calawa, Leon Jr  
Craig, James  
Durham, Susan  
Ford, Nancy  
Goley, Jeffrey  
Hall, Betty  
Keye, Harvey  
Leonard, Peter  
Melcher, Harold  
Murphy, Robert  
Simon, Anthony  
Williams, Carol

Arthur, Rose  
Carlson, Donald  
Curran, James  
Dwyer, Paul Sr  
Foster, Linda  
Gorman, Mary  
Hansen, Herbert  
Kurk, Neal  
Lynde, Harold  
Messier, Irene  
O'Connell, Timothy  
Thulander, O Alan

Belvin, William  
Cote, David  
Daigle, Robert  
Fields, Dennis  
Garrish, Linda  
Haettenschwiller, Alphonse  
Herman, Richard  
Lasky, Bette  
MacGillivray, Jeffrey  
Moran, Edward  
O'Hearn, Jane  
Vaillancourt, Steve

Burkush, James  
Cote, Peter  
Dokmo, Cynthia  
Flora, Kathleen  
Ginsburg, Ruth  
Haley, Robert  
Jean, Claudette  
Leishman, Peter  
McCarty, Winston  
Moriarty, Mary  
Peterson, Andrew  
White, John

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Moore, Carol  
Rosenfield, Jay  
Wallner, Mary Jane

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Lockwood, Priscilla  
Owen, Derek  
Seldin, Gloria  
Yeaton, Charles

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Marple, Richard  
Potter, Frances  
Virtue, Carolyn

Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Maxfield, Roy  
Rodd, Beth  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Dowling, Patricia	Francoeur, Sheila
Gibbons, Paul	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Kelley, Jane	Kobel, Rudolph
Major, Norman	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Reardon, Neil	Rubin, George	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Stritch, C Donald	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie			

**STRAFFORD**

Brennan, William	Brown, Julie	Callaghan, Frank	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Kibbey, David	Phinizy, James	Tuthill, John	Wiggins, Celestine

and the majority report failed.

Rep. Gary Johnson moved Inexpedient to Legislate.

Rep. L'Heureux requested a roll call; not sufficiently seconded.

On a division vote, 199 members having voted in the affirmative and 141 in the negative, the motion was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Gary Johnson moved that the House reconsider its action whereby it voted **HR 20**, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer, Inexpedient to Legislate. Reconsideration failed.

**REGULAR CALENDAR (CONT'D.)**

**HB 1260-FN**, relative to the cost of prescription medication. REFER FOR INTERIM STUDY Rep. Linda L. Garrish for Commerce: The intent of this bill was to eliminate the "cost shifting" of prescription drugs to uninsured persons who are usually the most economically vulnerable. Testimony, which was in support of the bill, revealed a complex issue. Insurance companies and Medicaid insurers contract with pharmacies at below the "average wholesale price" of drugs. Even with the additional markup and dispensing fees, some pharmacies end up charging more to uninsured persons than to the insured. It was clear to the committee that the bill as written would be difficult to implement and enforce. Nonetheless, we felt that further study would provide an appropriate vehicle to address these and other prescription drug issues. Vote 16-3.

Reps. Andrews and Scanlan spoke against.

Reps. Garrish and Emerton spoke in favor.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 209 NAYS 104**

**YEAS 209****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Millham, Alida	Pilliod, James	Rosen, Ralph	Wendelboe, Francine
Wood, Jane			



**CARROLL**

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Sullivan, P Judith	

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lerandeau, Alfred	Lynch, Margaret	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Royce, H Charles	Russell, Ronald
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Copenhaver, Marion
Dudley, Terri	Gilman, G Michael	Hinman, Harry	Marshall, Gene
Mirski, Paul	Nordgren, Sharon	Phinney, William	Picconi, Al
Solow, Martha	Ward, Brien	Weber, Phil	

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Batula, Peter
Belvin, William	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Chabot, Robert	Clegg, Robert Jr	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Drabinowicz, A Theresa	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Goulet, Maurice
Herman, Keith	Herman, Richard	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Kurk, Neal	LaRose, Richard
Lefebvre, Roland	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	McDonald, James Sr	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Milligan, Robert	Moriarty, Mary
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, Donald	White, John
Williams, Carol	Withee, Dennis		

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Larrabee, David Sr	Leber, William
Lockwood, Priscilla	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	Wallin, Jean	Wallner, Mary Jane
Whalley, Michael	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Martha
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanagan, Natalie	Flanders, John Sr	Francœur, Sheila	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Kobel, Rudolph	Langley, Jane
Letourneau, Robert	Major, Norman	McKinney, Betsy	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Priestley, Anne

Quandt, Marshall  
Shultis, Elizabeth  
Weare, Everett

Rabideau, Marie  
Stone, Joseph  
Weatherspoon, Jackie

Raynowska, Bernard  
Tufts, J Arthur  
Whittier, John

Sabella, Norma  
Varrell, Thomas

### STRAFFORD

Brennan, William  
Domingo, Baldwin  
Rogers, Rose Marie  
Taylor, Kathleen  
Vincent, Francis

Brown, Julie  
Estabrook, Iris  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

Cossette, Larry  
Johnson, Nancy  
Snyder, Clair  
Tsoros, William  
Woods, Phyllis

DeChane, Marlene  
McKinley, Robert  
Spang, Judith  
Twardus, Joseph

### SULLIVAN

Allison, David  
Wiggins, Celestine

Burling, Peter

Donovan, Thomas Jr

Kibbey, David

### NAYS 104

### BELKNAP

Johnson, James

Rice, Thomas

Russell, David

Turner, Robert

### CARROLL

Babson, David Jr

Dickinson, Howard

Howard, Godfrey

Philbrick, Donald

### CHESHIRE

McGuirk, Paul

Meador, David

Pratt, John

Rose, William

### COOS

Gallus, John

Landers, Dana

Pratt, Leighton

Rodrigue, Robert

### GRAFTON

Cobb, John  
Scanlan, David

Densmore, Jessica

Hall, David

Johnson, Gary

### HILLSBOROUGH

Andrews, Frederick  
Carlson, Donald  
Fenton, James  
Gorman, Mary  
Holley, Sylvia  
Lasky, Bette  
McColgan, Philip Jr  
Mosher, William  
Wall, Nancy

Baroody, Benjamin  
Cote, David  
Fields, Dennis  
Haley, Robert  
Hunter, Bruce  
Leishman, Peter  
McDonough-Wallace, Alice  
Murphy, Robert

Beaupre, Roland  
Cote, Peter  
Fletcher, Richard  
Hall, Betty  
L'Heureux, Robert  
Martin, Mary Ellen  
Mercer, Robert  
Peterson, Andrew

Burkush, James  
Dokmo, Cynthia  
Flora, Kathleen  
Hansen, Herbert  
LaPorte, George  
McCarty, Winston  
Moran, Edward  
Reidy, Frank

### MERRIMACK

Jacobson, Alf  
Marshall, Kenneth  
Virtue, Carolyn

Kennedy, Richard  
Nichols, Avis

Langer, Ray  
Poulin, Dave

Marple, Richard  
Soltani, Tony

### ROCKINGHAM

Christie, Andrew Jr  
Flanders, David  
Katsakiores, Phyllis  
Packard, Sherman  
Reardon, Neil  
Splaine, James  
Weyler, Kenneth

Clark, Vivian  
Gibbons, Paul  
Kelley, Jane  
Pantelakos, Laura  
Ruffner, Walter  
Stritch, C Donald  
Zolla, William

Cooney, Richard  
Gleason, John  
Langone, John  
Pitts, Jacqueline  
Schanda, Frank  
Vaughn, Charles

Fesh, Robert  
Katsakiores, George  
Mikowski, Walter  
Putnam, Ed II  
Shelton, Richard  
Welch, David

**STRAFFORD**

Berube, Roger  
Knowles, William  
Rollo, Michael

Dunlap, Patricia  
Lent, Donald  
Vachon, Dennis

Kaen, Naida  
Pelletier, Arthur

Keans, Sandra  
Pelletier, Marsha

**SULLIVAN**

Cloutier, John  
Young, David

Leone, Richard

Phinizy, James

Tuthill, John

and the report was adopted.

**HB 1540-FN**, prohibiting certain transfers of information. **INEXPEDIENT TO LEGISLATE**

Rep. Tim S. McGough for Commerce: This bill would require an individual to gain prior consent from an individual before transferring the name and address of the individual to another party if the individual has reason to believe the transferee is likely to use the information for commercial or solicitation purposes. This legislation would bring many types of commerce to a screeching halt and would prevent such simple personal referrals that many consumers and businesses alike find useful and desirable. Further, the penalty of a class B misdemeanor was deemed excessive. The committee unanimously felt this legislation would be harmful to commerce in the state, although the goal of the sponsor to protect the privacy of consumers not desiring unsolicited contact was admirable. Vote 18-0.

Reps. Quandt and Kurk spoke against.

Rep. Francoeur spoke in favor.

Adopted.

**HB 1154-FN**, prohibiting general fund appropriations and transfers of general fund surplus to supplement the education trust fund. **INEXPEDIENT TO LEGISLATE**

Rep. O. Alan Thulander for Finance: This bill is an effort to force the legislature to enact additional Claremont taxes at this time. By preventing the transfer of general funds to the education trust fund, the bill would block implementation of our current education finance plan. There is no agreement at present on how to fund the anticipated deficit in the education trust fund, let alone a larger one. Because the duty to pay the \$825 million would still exist, the state might find it necessary to borrow money to pay the school districts. The state treasurer warned that borrowing for current operating expense is bad monetary policy and would negatively affect the state's bond rating. The committee agrees. This bill doesn't help solve our problems. Rather, it exacerbates them. Vote 22-0.

Rep. Jacobson spoke against.

Rep. Vaughn spoke in favor.

Adopted.

**HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. **OUGHT TO PASS**

Rep. O. Alan Thulander for Finance: This proposal reaffirms current law and makes the policy permanent for future years. It affects only the education trust fund and assures that (1) no payments from the fund can be spent by school boards as unanticipated revenue, and (2) state education grants can be spent only for education purposes. Vote 21-0.

Rep. Thulander yielded to questions.

Adopted and ordered to third reading.

**HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph E. Stone for Finance: This bill provides funding for fiscal year ending June 30, 2000 to support research by the University of New Hampshire office of sponsored research on groundwater at reclamation sites that have had sludge applied. The remainder of available funds, up to \$20,000 that were appropriated for state aid grants by 1999, PAU 03-04-02-01-03, shall be transferred on June 30, 2000 to the non-lapsing sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all state approved aid grant payments have been made to eligible municipalities in fiscal year 2000. Vote 22-1.

**Amendment (3774h)**

Amend the bill by replacing all after section 1 with the following:

2 Transfer of Appropriation. The remainder of available funds, up to \$20,000, that were appropriated for state aid grants by 1999, 159:1, PAU 03-04-02-01-02, shall be transferred on June 30, 2000 to the nonlapsing sampling and analysis of sludge or biosolids samples fund established by RSA 485-A:4, XVI-c, provided all approved state aid grant payments have been made to eligible municipalities in fiscal year 2000.

3 Order of Appropriation Transfer. If HB 648-FN becomes law, any available funds appropriated for state aid grants by 1999, 159:1, PAU 03-04-02-01-02 shall first be applied to fulfill the transfer of appropriation in HB 648-FN before any such available funds are applied to fulfill the transfer of appropriation in section 2 of this act.

4 Effective Date. This act shall take effect June 30, 2000.

**AMENDED ANALYSIS**

This bill provides funding for the fiscal year ending June 30, 2000 to support research by the university of New Hampshire office of sponsored research on groundwater at reclamation sites that have had sludge applied, provided all approved state aid grant payments have been made to eligible municipalities in fiscal year 2000 and provided that, if HB 648-FN becomes law, available funds are first applied to fulfill the transfer of appropriation in that bill.

Adopted.

Report adopted and ordered to third reading.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 29, 2000 at 1:30 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 357**, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect.

**HB 1240**, requiring insurers to make prompt payments.

**HB 1373**, relative to payments of first and second mortgage home loans.

**HB 1377**, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods.

**HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

**HB 1465**, extending the reporting date of the committee to study the non-group health insurance market.

**HB 1131-FN**, relative to license revocations and suspensions.

**HB 1250**, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.

**HB 1424**, relative to reevaluation of a person's competency to stand trial.

**HB 1492-FN**, relative to clarifying the state's stalking statute.

**HB 1562-FN**, establishing criminal penalties for violations of orders of protection under the child protection act.

**SB 355**, relative to name changes for criminal offenders.

**SB 382**, relative to appeals of release or detention orders.

**HB 1253**, establishing a 4-year term for the commissioner of the department of corrections.

**SB 341**, extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists.

**HB 1202-L**, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.



**HB 1251**, relative to driver education training reimbursement.

**HB 1265-FN**, relative to registration of certain antique OHRVs.

**HB 1344-FN**, expanding the used oil program.

**HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

**HB 1463**, making technical corrections related to the mental health system and guardianship hearings.

**HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

**HB 1569-FN**, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

**HB 1438-FN**, relative to transportation of children for involuntary emergency admissions.

**HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

**HB 1422-FN**, relative to the composition of and procedures for the appellate board of the department of employment security

**HB 1146-L**, relative to tax increment financing.

**HB 1163**, relative to the date of decision for appeals of zoning matters.

**HB 1210-L**, relative to capital reserve funds.

**HB 1216**, relative to petitions for warrant articles.

**HCR 30**, urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at last as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

**HJR 21**, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.

**HJR 24**, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean air Act requirements for oxygenates in gasoline.

**HCR 33**, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river.

**HB 1102**, relative to accessibility of veterans' disability payments in divorce cases.

**HB 1483**, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

**HB 1244**, relative to the use of certain needle technology.

**HB 1241**, relative to third person liability under the workers' compensation law.

**HB 1406**, relative to transition service

**HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue.

**HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

## PERSONAL PRIVILEGE

Reps. Ronald Nowe and Burling addressed the House.

## RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate Messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:35 p.m.

## RECESS

(Rep. Leber in the Chair)

**RESOLUTION**

Rep. Welch offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1625, 1626 and 1627 and House Concurrent Resolution numbered 35 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILLS and HCR****First, second reading and referral**

**HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Bishop, Rock 12; W. Kelley, Rock 12; Patten, Carr 9: Municipal and County Government)

**HB 1626-FN**, establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock. 13; Bradley, Carr 8; Torr, Straf 12; Chandler, Carr 1; Klemm, Dist 22; Johnson, Dist. 3; Russman, Dist 19: Finance)

**HB 1627**, relative to the exchange of certain land in the town of Rindge. (Hunt, Ches 10; Rose, Ches 13: Public Works and Highways)

**HCR 35**, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. (L. Pratt, Coos 4; K. Marshall, Merr 4; Melcher, Hills 11; P. Davis, Coos 1; P. Dowling, Rock 13; F. King, Dist 1: Environment and Agriculture)

**SENATE MESSAGES****CONCURRENCE**

**HB 246**, relative to personnel transfers at the department of safety.

**HB 569**, relative to the tax credit for service-connected total disability.

**HB 1114-FN**, relative to creditable service in the retirement system for teachers in a job-sharing position.

**HB 1126**, relative to repealing the prohibition on rewards for procuring employment.

**HB 1134**, establishing a committee to study mental health care treatment under managed care plans.

**HB 1196-L**, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore.

**HB 1206**, extending the reporting date of the committee studying alcohol and drug abuse prevention.

**HB 1283**, establishing a commission on the education of the deaf and hard of hearing in New Hampshire.

**HB 1523**, relative to landlord-tenant obligations.

**HB 1594-FN**, relative to the allocation of moneys in the tobacco use prevention fund.

**NONCONCURRENCE**

**HB 1168**, establishing a committee to study the merits of limiting the use of social security numbers as identifiers.

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 86, 387, 1150 and 1566.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS**

(Speaker Sytek in the Chair)

**COMMITTEE ASSIGNMENTS**

Rep. Robert M. Lawton off Resources, Recreation and Development; on Rules.

Rep. David H. Russell on Resources, Recreation and Development.

**RECESS**

(Rep. Keith Herman in the Chair)

**SENATE MESSAGE****CONCURRENCE**

**HB 1225**, relative to the name of the department of fish and game.

**RESOLUTION**

Rep. Whalley offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 307, 311, 322, 323, 324, 326, 383, 387, 397, 400, 455 and 456 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 307**, relative to biosolids and short paper fiber. (Environment and Agriculture)

**SB 311**, relative to the recovery of public assistance. (Health, Human Services and Elderly Affairs)

**SB 322**, extending the needle exchange pilot program. (Health, Human Services and Elderly Affairs)

**SB 323**, relative to ambulatory surgical facilities in service areas of rural hospitals. (Health, Human Services and Elderly Affairs)

**SB 324**, relative to personal care services and providers. (Health, Human Services and Elderly Affairs)

**SB 326**, relative to the joint health council. (Executive Departments and Administration)

**SB 383**, requiring the department of health and human services and insurers to make prompt payments. (Commerce)

**SB 387-FN-L**, relative to proposed toll booths in the city of Nashua and relative to alternatives to the statewide toll booth system. (Public Works and Highways)

**SB 397-FN-A-L**, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange. (Finance)

**SB 400-L**, relative to emergency medical and trauma services. (Health, Human Services and Elderly Affairs)

**SB 455**, relative to campgrounds. (Resources, Recreation and Development)

**SB 456**, relative to testing newborns for deafness. (Health, Human Services and Elderly Affairs)

**ENROLLED BILL AMENDMENT**

**HB 1134**, establishing a committee to study mental health care treatment under managed care plans.

**Amendment (3951-EBA)**

Amend section 3 of the bill by replacing line 10 with the following:

VIII. Private practice market.

Adopted.

**RECESS**

(Rep. Mirski in the Chair)

**ENROLLED BILL AMENDMENTS**

**HB 449-FN**, requiring boating safety education.

**Amendment (3970-EBA)**

Amend section 2 of the bill by replacing lines 1 and 2 with the following:

2 Boat Safety Course. The introductory paragraph of RSA 270:46-a, III is repealed and reenacted to read as follows:

Adopted.

**HB 569**, relative to the tax credit for service-connected total disability.

**Amendment (3967-EBA)**

Amend RSA 72:35, IV(a) as inserted by section 1 of the bill by replacing line 4 with the following: amputee or paraplegic because of [a] service-connected injury, or the surviving spouse of such a

Adopted.

**HB 1594-FN**, relative to the allocation of moneys in the tobacco use prevention fund.

**Amendment (3969-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Funding Evaluation. RSA 126-K:15, VI is repealed and reenacted to read as follows:

Amend RSA 126-K:17, II as inserted by section 3 of the bill by replacing line 1 with the following:

II. The commissioner shall review all requests and recommend awards, including amounts  
Adopted.

RECESS

**(Speaker Sytek in the Chair)**

Rep. Chandler moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 11

Wednesday, March 29, 2000

The House assembled at 1:30 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Gentle Sovereign, behold, we beseech Thee, the fair beauty of our beloved New Hampshire. As her citizens, we thank Thee for the many blessings we share and for the gifts of freedom and liberty which calls us to a deeper commitment to the many responsibilities of true patriotism. We ask Thy blessing upon the deliberations and decisions made in this hallowed chamber today. Amen.

Rep. Dudley led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Eaton, Perkins and Searles, the day, illness.

Reps. Asplund, Bergeron, Doucette, Grassie, Lavoie, McRae, Pantelakos, Picconi, Phinney, Rodrigue, Edwin Smith, Snyder, Weatherspoon, Jane Wood and Woodward, the day, important business.

Reps. Coughlin and Dawe, the day, illness in the family.

### INTRODUCTION OF GUESTS

Former NH Rep. Henry Sullivan, guest of Rep. Spear. Roland Hofeman, guest of Rep. Twardus. Ray Beqo and Luan Rojba, guests of Reps. Tsiros and Young. Katherine Clancy, guest of Rep. Gile. George Coronis, guest of Rep. Dickinson. Paul Tringoson, guest of Rep. Nancy Wall. Melissa and Andrew Torressen and Joe and Nancy Hart, wife, son, and in-laws of Rep. Torressen.

### SPECIAL GUESTS

Nashua Girls' Varsity Basketball Class L Championship Team, guests of the House.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1374**, extending the reporting date for the sex offender issues study committee. (Amendment printed SJ 3/23/00)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

**HB 1435**, establishing a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law. (Amendment printed SJ 3/23/00)

Rep. Mock moved that the House concur and spoke in favor.

Adopted.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1609**, establishing a commission to study issues of diversity, immigration, and English as a second language in New Hampshire, removed by Rep. Garrish.

**HJR 23**, urging the executive branch to negotiate an expedient settlement resolving the Claremont dispute, removed by Rep. Sapareto.

**HB 1177**, relative to the effective date of legislation establishing a chartered or statutory legislative committee, removed by Rep. Dyer.

**HB 1231**, requiring proposed legislation to be reviewed by a house or senate special committee to determine constitutionality prior to its introduction, removed by Rep. Mirski.

**HB 1452**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities, removed by Rep. Dickinson.

Consent Calendar adopted.

**HB 1391**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. REFER FOR INTERIM STUDY

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: HB 1391 was originally voted out of committee as ought to pass. The bill was recommitted to committee so that the chaptered study committee currently meeting on the general subject of DWI statutes could study the subject matter. To accomplish this, the committee voted to refer for interim study. Vote 14-0.

**HB 1516-FN**, relative to prosecutorial conduct. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: HB 1516-FN would make a prosecutor who is "overzealous" in his pursuit of justice, guilty of a class B felony. The committee felt that there were laws already in place that could be used if this problem should arise. The committee did not agree with the intent of this legislation. Vote 13-0.

**HB 1520-FN**, relative to criminal neglect of elderly, disabled, or incapacitated persons. REFER FOR INTERIM STUDY

Rep. Frank D. Callaghan for Criminal Justice and Public Safety: This bill, in its original form, defined neglect and abuse and created class A & B felonies relating to the extent of any injury. The subcommittee attempted amending the bill, but still wasn't satisfied that it addressed these types of situations appropriately. Presently, there are at least two agencies that are directly involved in investigating abuse and neglect. The office of the long-term care ombudsman investigates reports of these incidents in facility settings. The divisions of adult and elderly services investigate home settings. With the recent passage of SB 409, which promotes in home care, there were also concerns that inexperienced caregivers might be inadvertently caught up in a web of prosecution if the law is not carefully crafted. In the end, the full committee agreed unanimously to further study the bill this summer. Representatives of the present two investigating agencies mentioned above will be invited to work with the committee and explain the present investigatory process and penalties. Vote 15-0.

**HB 1611**, recodifying the state's DWI laws. OUGHT TO PASS WITH AMENDMENT

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill is a simple recodification of DWI laws. There is nothing new or deleted from current law. The committee simply drew all the laws pertaining to DWI into one chapter that makes it easier to find and understand. Vote 15-0.

#### Amendment (3918h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Alcohol Or Drug Impairment. Amend RSA by inserting after chapter 265 the following new chapter:

#### CHAPTER 265-A ALCOHOL OR DRUG IMPAIRMENT

265-A:1 Definitions. The following words and phrases when used in this chapter shall have the following meanings, except where the context requires otherwise:

I. "Alcohol" shall mean any substance containing any form of alcohol, including but not limited to, ethanol, methanol, propanol and isopropanol.

II. "Alcohol concentration" shall mean either grams of alcohol per 100 milliliters of blood, grams of alcohol per 67 milliliters of urine, or grams of alcohol per 210 liters of breath.

III. "Boat" includes every type of watercraft described in RSA 270:2.

IV. "Controlled drugs" mean any drug or substance, or immediate precursor, which are scheduled pursuant to RSA 318-B:1-a.

V. "Driver" shall have the same meaning described in RSA 259:25.

VI. "OHRV" means off highway recreational vehicle, as defined in RSA 215-A:1, VI.

VII. "Vehicle" shall have the same meaning as described in RSA 259:122.

DWI Offenses; Penalties

265-A:2 Driving Under Influence of Drugs or Liquor; Driving with Excess Alcohol Concentration.

I. No person shall drive or attempt to drive a vehicle upon any way:

(a) While such person is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drugs; or

(b) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

265-A:3 Aggravated Driving While Intoxicated. A person shall be guilty of a violation of this section if the person drives or attempts to drive a vehicle upon any way:

I. While under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug and, at the time alleged:

(a) Drives at a speed more than 30 miles per hour in excess of the prima facie limit,

(b) Causes a motor vehicle collision resulting in serious bodily injury, as defined in RSA 625:11, to the person or another, or

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion, or abandoning a vehicle while being pursued;

II. While having an alcohol concentration of 0.08 or more and, at the time alleged:

(a) Drives at a speed more than 30 miles per hour in excess of the prima facie limit,

(b) Causes a motor vehicle collision resulting in serious bodily injury, as defined in RSA 625:11, to the person or another, or

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion, or abandoning a vehicle while being pursued; or

III. While having an alcohol concentration of 0.16 or more.

265-A:4 Penalties for Intoxication or Under Influence of Drugs Offenses.

I. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 265-A:2 shall be:

(1) Guilty of a violation;

(2) Fined not less than \$350; and

(3) The person's driver's license or privilege to drive shall be revoked for not less than 90 days and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

(b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3, except as provided in subparagraph (c), shall be:

(1) Guilty of a misdemeanor;

(2) Fined not less than \$500; and

(3) The person's driver's license or privilege to drive shall be revoked for not less than 1 year and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

(c) Any person who is convicted of aggravated DWI under RSA 265-A:3 while having an alcohol concentration of 0.08 or more and, at the time alleged, causes a motor vehicle collision resulting in serious bodily injury, as defined in RSA 625:11, to the person or another, shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000; and

(3) The person's driver's license or privilege to drive shall be revoked for not less than one year and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years.

I-a. Any person convicted of boating while intoxicated or operating an OHRV while intoxicated shall be subject to the penalties set out in this section for a violation of RSA 265-A:4.

II. Upon conviction of any offense under RSA 265-A:4 or RSA 265-A:5, based on a complaint which alleged that the person has had one or more prior convictions under RSA 265-A:2 or RSA 265-A:3 or RSA 630:3, II, or under reasonably equivalent offenses in an out-of-state jurisdiction, within 7 years preceding the date of the second or subsequent offense, the person shall be subject to the following penalties in addition to those provided in paragraph I:

(a) For a second offense:

(1) The person shall be guilty of a misdemeanor.

(2) The person shall be fined not less than \$500.

(3) The person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 172-B:2-b within 21 days after conviction or at the end of the defendant's appeals period, except that in circumstances where the state-operated 7-day multiple DWI offender intervention detention center has no available space the person shall be assigned the first available space.



(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years.

(5) The person shall pay a fee to the commissioner, as established under RSA 126-A:43, for the costs of the state-operated, 7-day multiple DWI offender intervention detention center program.

(6) A defendant who fails to complete the program shall be in contempt of court and shall serve a minimum of 30 days in the county correctional facility.

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license or privilege to drive shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to reapply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until the provisions of RSA 265-A:2 and all other requirements under law are met.

(2) If the person has completed the state-operated 7-day multiple DWI offender intervention detention center program as required under subparagraph (a)(3) upon conviction for a prior offense, the person shall be sentenced to imprisonment for a period of not less than 30 consecutive 24-hour periods, and shall complete at the person's own expense a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment based upon a formal evaluation by a licensed alcohol and other drug counselor and approved by the department of health and human services before the driver's license may be restored.

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 7 years.

(d) For a third or subsequent offense when any prior offense under this paragraph is negligent homicide under RSA 630:3, II, or reasonably equivalent offense in an out-of-state jurisdiction, the person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 10 years.

III. If any person is convicted of a violation of RSA 265-A:2 or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions, as provided in RSA 265-A:4, II but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction within the 7-year period, the person's driver's license or privilege to drive shall be revoked for not less than 180 days nor more than 3 years. The license shall not be restored until the person has successfully completed a 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7-day residential intervention program approved by the director of the office of alcohol and drug abuse prevention, as provided in RSA 172-B:2-b and RSA 265-A:22, at the person's own expense. The court may order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

#### IV. For the purposes of this section:

(a) "Revocation" or "revoked" means revocation as defined in RSA 259:90 and also includes, if the person is a nonresident, the revocation of the person's privilege as an out-of-state driver to drive on any ways of this state.

(b) "Out-of-state jurisdiction" includes any governmental entity that issues driver's licenses that are valid for operating a motor vehicle on the ways of this state as provided in RSA 263:37, and that has laws relating to driving while intoxicated that are reasonably equivalent to the laws of this state.

(c) "Successful completion" means meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the IDIP or the MOP or its equivalent; provided, however, that the offender shall have the right to a hearing before the commissioner or designee, who shall determine whether the further counseling requirements arising out of the final evaluation are warranted and appropriate, and whether the offender should be eligible for license restoration. The definition in this subparagraph shall also apply to RSA 265-A:22.



V. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation and no portion of any fine imposed under this section shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by RSA title LXII or any other provision of law.

VI. Upon conviction under the provisions of RSA 265-A:2 or RSA 265-A:3, the prosecutor shall present to the court a certified copy of the defendant's record of convictions of motor vehicle offenses under RSA title XXI and reasonably equivalent offenses in out-of-state jurisdictions which are on record at the New Hampshire division of motor vehicles or known to the prosecutor, or a signed statement that the defendant has no such prior convictions within the preceding 7 years. Prior to sentencing the court shall note on the complaint the number of prior convictions for drug or alcohol-related motor vehicle offenses, or the absence of any such prior convictions, as shown on such report or statement.

VII. Any conviction under RSA 265-A:2 or RSA 265-A:3 shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

VIII. Any person convicted of a violation of RSA 265-A:2 or RSA 265-A:3, and who at the time of driving a vehicle or off highway recreational vehicle was transporting a person under the age of 16, shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the state-operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner at the person's own expense.

265-A:5 Annulment; Plea Bargaining.

I. Notwithstanding the provisions of RSA 651:5, no court shall order an annulment of any record of conviction of driving or attempting to drive a vehicle upon any way while under the influence of intoxicating liquor or any controlled drug or while having an alcohol concentration of 0.08 or more or of aggravated drunken driving until 7 years after the date of conviction.

II. Notwithstanding any other provision of law to the contrary, in any case in which a person is arrested for and charged with the offense of driving or attempting to drive a vehicle on any way while under the influence of intoxicating liquor or drugs or while having an alcohol concentration of 0.08 or more and that charge is reduced from a second or subsequent offense to a first offense or in which the original charge is reduced to or in any manner substituted with another charge or a nolle prosequi entered in exchange for an agreement to plead guilty or nolo contendere to another charge, the prosecutor shall submit to the attorney general a written report describing such agreement. All such written reports shall be submitted to the attorney general on a monthly basis. The report shall contain such information as the attorney general shall prescribe; provided, however, that he or she shall not be subject to the provisions of RSA 541-A in prescribing such information. The report required by this paragraph shall be a public record and shall be available for public inspection as provided in RSA 91-A:4.

III. Notwithstanding any other provision of law to the contrary, if a person is arrested for driving or attempting to drive a motor vehicle upon any way while under the influence of intoxicating liquor or drugs or while having an alcohol concentration of 0.08 or more, no prosecutor shall enter into any agreement with such person or such person's attorney if such agreement would result in a charge that removed the case from consideration under any provision of this chapter. The provisions of this paragraph, however, shall not prevent the bringing of any charge under RSA 630:2 or RSA 630:3.

265-A:6 Arrest Without a Warrant. Notwithstanding any other statutory provision of law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in a traffic accident when the officer has probable cause to believe that such person has committed an offense, an element of which is driving under the influence of intoxicating liquors, controlled drugs or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction in this state where the person or others are taken for treatment for injuries suffered in such traffic accident.

## Impairment Testing; Methods and Evidentiary Analysis

## 265-A:7 Official Records of Tests.

I. Any person who is arraigned on a charge arising under RSA 265-A:9 shall file notice in said court, within 30 days immediately following the receipt by the person of the results of any alcohol concentration test administered to such person, requiring the attendance of the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the certifying scientist at the trial. The official report of the test issued pursuant to RSA 265-A:9 shall be deemed conclusive evidence of the conduct and result of said test.

II. A copy of the preventive maintenance check form filled out by the forensic breath testing supervisor who performed the last preventive maintenance check on the breath testing machine in question prior to the time of the test at issue shall be admissible evidence of the performance and successful completion of such check. Such check shall have been performed according to the schedule required in the rules adopted by the commissioner of the department of health and human services.

III. The successful completion of the external standard reference check shall be admissible evidence that the instrument was properly calibrated at the time of the test. The external standard reference check shall be performed according to the schedule required in rules adopted by the commissioner of the department of health and human services pursuant to RSA 541-A.

IV. A copy of the appropriate form filled out and signed by the person who took the sample for the alcohol concentration test in question shall be admissible evidence that the sample was taken by such person at the stated time on the stated date according to the procedures prescribed in the rules adopted by the commissioner of the department of health and human services pursuant to RSA 265-A:10, V.

V. Any person who is arraigned on a charge arising under RSA 265-A:40, 265-A:2 or 265-A:3 shall file, within 10 days of such person's receipt of the results of any toxicology test administered to such person for the presence of any controlled drug, a notice in said court requiring the attendance of the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the certifying scientist at trial. The official report of the test issued pursuant to RSA 265-A:9 shall be deemed conclusive evidence of the conduct of the result of such test.

## 265-A:8 Preliminary Breath Test.

I. Any police officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving or operating a vehicle on a way while under the influence of intoxicating liquor or controlled drug or while the person's alcohol concentration was 0.08 or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of this test shall not be admissible in evidence by the prosecution, and failure to submit to the test shall not constitute a violation of this chapter. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265-A:9. The police officer requesting the test shall advise orally and in writing the person to be tested that his or her failure to take the test or his or her taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265-A:9. The results of the test shall be furnished immediately in writing to the person tested by the police officer administering the test.

II. No device may be used to give a chemical test under the provisions of this section unless it has been approved as to type and make by the department of health and human services.

III. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to methods and procedures for evaluation and approval of preliminary breath test devices.

265-A:9 Implied Consent of Driver of Motor Vehicle to Submit to Testing to Determine Alcohol Concentration. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether such person is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug content of such person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while

under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265-A:19, the prerequisites of RSA 265-A:13 shall not apply.

**265-A:10 Administration of Alcohol Concentration Tests.**

I. Only a duly licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist acting at the request of a law enforcement officer may withdraw blood for the purpose of a test required by RSA 265-A:9. Such licensed physician, registered nurse, physician's assistant, or qualified medical technician or medical technologist shall not be liable for damages or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal provided the physician, registered nurse, physician's assistant, or qualified medical technician or medical technologist acts with ordinary care.

II. All such blood and urine tests made under the direction of a law enforcement officer shall be conducted in the laboratory of the department of health and human services or, in the case of blood and urine samples to be tested for the presence of controlled drugs, in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended.

III. The successful completion of the external standard reference check shall be admissible evidence that the instrument was properly calibrated at the time of the test. The external standard reference check shall be performed according to the schedule required in rules adopted by the commissioner of the department of health and human services pursuant to RSA 541-A.

IV. No tests of blood, urine or breath authorized by RSA 265-A:9 shall be considered as evidence in any proceeding before any administrative officer or court unless such test is performed in accordance with methods prescribed by the commissioner of the department of health and human services.

V. The commissioner of the department of health and human services shall adopt rules pursuant to RSA 541-A relative to:

- (a) Methods and procedures for the testing of blood, urine, and breath to determine alcohol concentration and controlled drug content of a person's blood;
- (b) Techniques or methods for ascertaining the qualifications and competence of individuals to conduct such tests;
- (c) Methods and procedures for the delivery and processing of samples of such tests;
- (d) Forms relative to taking samples for alcohol concentration tests for admission as evidence pursuant to RSA 265-A:7, IV;
- (e) Procedures for certification of any laboratory that conducts tests pursuant to RSA 265-A:12; and
- (f) Such other matters as are required to carry out the provisions of this chapter relative to alcohol concentration tests.

**265-A:11 Administration of Physical Tests.** No post-arrest physical test or examination authorized by RSA 265-A:9 shall be considered as evidence in any proceeding before any administrative officer or court unless such test or examination is performed by a law enforcement officer who has been trained in the administration of such physical tests and examinations by a law enforcement agency or in a training program approved by the police standards and training council.

**265-A:12 Additional Tests.** Any person to whom RSA 265-A:9 is applicable shall have the right at his or her own expense to have similar tests made by a person of his or her own choosing who is competent to conduct the tests, as determined by the commissioner of the department of health



and human services under RSA 265-A:10, and shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265-A:9. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of a law enforcement officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional test made. For the purpose of this section:

I. The sample of blood taken pursuant to RSA 265-A:9 shall be of sufficient quantity to allow 2 tests; and the testing laboratory shall retain for a period of 30 days subsequent to the test conducted pursuant to RSA 265-A:9 a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or counsel upon request.

II. The sample or samples of breath taken pursuant to RSA 265-A:9 shall be captured in an appropriate medium approved by the commissioner of the department of health and human services pursuant to RSA 265-A:10, V, and shall be sufficient to allow an equivalent additional test for each breath sample taken pursuant to 265-A:9. The captured sample or samples shall be given to the respondent in a manner determined by the commissioner of the department of health and human services.

#### 265-A:13 Prerequisites to Tests.

I. Before any test of a person's blood, urine, or breath specified in RSA 265-A:9 is given, the law enforcement officer shall:

- (a) Inform the arrested person of his right to have a similar test or tests made by a person of his or her own choosing;
- (b) Afford the person an opportunity to request such additional test; and
- (c) Inform the person of the consequences of a refusal to permit a test at the direction of the law enforcement officer.

II. Before any post-arrest physical test specified in RSA 265-A:9 is given, the law enforcement officer shall inform the defendant of the consequences of the defendant's refusal to comply with the law enforcement officer's instructions for a post-arrest physical test.

III. If the law enforcement officer fails to comply with the provisions of this section, the test shall be inadmissible as evidence in any proceeding before any administrative officer and court of this state.

265-A:14 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265-A:2, I(a), or RSA 265-A:3, I, was under the influence of intoxicating liquor or any controlled drug.

#### 265-A:15 Refusal of Consent.

I. If a person under arrest for any violation or misdemeanor under RSA 265-A refuses upon the request of a law enforcement officer to submit to physical tests or to a test of blood, urine, or breath designated by the law enforcement officer as provided in RSA 265-A:9, none shall be given, but:

(a) If this is the first refusal with no prior driving while intoxicated or aggravated driving while intoxicated convictions:

- (1) The director shall suspend the person's license to drive or nonresident driving privilege for a period of 180 days; or
- (2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of 180 days after the date of the alleged violation.

(b) If the person has a prior driving while intoxicated or aggravated driving while intoxicated conviction or a prior refusal of consent under this section:

- (1) The director shall suspend the person's license to drive or nonresident driving privilege for a period of 2 years; or
- (2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of 2 years after the date of the alleged violation.

II. The 180-day or 2-year suspension period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provision of this title. Any such suspension or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as provided in RSA 265-A:26.



III. A refusal of consent for both post-arrest physical testing and testing of blood, urine or breath following any one arrest shall be deemed one refusal for the purposes of this section.

265-A:16 Effect of Evidence of Refusal to Take Alcohol Concentration Test. If a person refuses to submit to a test as provided in RSA 265-A:9, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving or attempting to drive a motor vehicle while under the influence of intoxicating liquor or any controlled drug.

265-A:17 Evidence. Upon complaint, information, indictment, or trial of any person charged with the violation of RSA 265-A:2 or RSA 265-A:3, the court may admit evidence of physical testing of the defendant for being under the influence of intoxicating liquor or controlled drugs as provided in RSA 265-A:9, and of the controlled drug content of the defendant's blood and the defendant's alcohol concentration, as shown by a test of the person's breath, blood, or urine as provided in RSA 265-A:9. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:2, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:2, I(b); and evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265-A:3, II (a), (b), and (c) constitute a separate offense under RSA 265-A:3, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.16 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:5, III.

265-A:18 Incapacity to Give Consent. Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusing shall be deemed not to have withdrawn the consent provided by RSA 265-A:9 and the test or tests may be administered. The provisions of RSA 265-A:13 shall not apply to persons incapable of giving consent as provided for in this section.

265-A:19 Blood Testing of Certain Motor Vehicle Fatalities. When a collision results in death or serious bodily injury to any person, all drivers involved, whether living or deceased, and all deceased vehicle occupants and pedestrians involved shall be tested for evidence of alcohol or controlled drugs. A law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist to withdraw blood from each driver involved if living and from the body of each deceased driver, deceased occupant or deceased pedestrian, in accordance with RSA 611:6, II, for the purpose of testing for evidence of alcohol content or controlled drugs; provided that in the case of a living driver the officer has probable cause to believe that the driver caused the collision. All tests made under this section shall be conducted by the department of health and human services or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

- I. Any highway safety agency for use in compiling statistics to evaluate the effectiveness of its program; and

- II. Any person, including his or her legal representative, who is or may be involved in a civil, criminal, or administrative action or proceeding arising out of an accident in connection with which the test was performed.

Revocation for Reckless Driving or Driving While Under  
Influence of Alcohol or Drugs; Procedure; Restoration.

265-A:20. Revocation for Reckless Driving or Driving While Under Influence of Alcohol or Drugs. Upon a conviction of a violation of RSA 265-A:34, RSA 265-A:2 or RSA 265-A:3, the court shall report to the department and shall immediately revoke the license or driving privilege of the person so convicted, or the right of a nonresident so convicted to drive within the state of New Hampshire; and said court in the case of holders of New Hampshire licenses shall return such license with its findings marked thereon, together with the court return, to the department; and the department may revoke the license of any person who shall be convicted of a similar offense by a court of any other state in a criminal proceeding, or who shall be found to have committed a similar act by a court of any other state in a civil proceeding.

265-A:21 Payment of All Obligations Prior to Restoration. The director of motor vehicles shall not restore a person's license or privilege to drive, if it was revoked pursuant to RSA 265-A:40; RSA 265-A:2; RSA 265-A:3; RSA 263:14-a; RSA 630:2; or RSA 630:3, or if the revocation was connected with an alcohol related or drug related offense, until all obligations of such person resulting from the arrest and conviction for the offense are met. For the purposes of this section, the word "obligations" shall mean fines and penalty assessments, court-ordered restitution or reimbursement to any person injured as a result of the offense, successful completion of all treatment and rehabilitation programs the person is required to take, full payment of all fees for such programs, and any other costs which may be ordered by the court. The word "obligations" shall not mean completion of probation or parole or completion of a condition of probation or parole. In any case where the court orders periodic payment of fines, penalty assessments, restitution or reimbursement, the obligations of such person shall be deemed to have been met if such person is current in all such court-ordered payments.

265-A:22 Attendance at Impaired Driver Intervention Program Required.

I. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265-A:2 or RSA 265-A:3 until such person has furnished proof of successful completion of an impaired driver intervention program which is:

(a) Approved by the commissioner of the department of health and human services and the commissioner of safety pursuant to RSA 172-B:2-a and RSA 172-B:2-b; or

(b) Approved by the court, in the case of a person who is not a resident of this state.

II. For the purposes of this section, "successful completion" means meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the IDIP or the MOP or its equivalent; provided, however, that the offender shall have the right to a hearing before the commissioner or designee, who shall determine whether the further counseling requirements arising out of the final evaluation are warranted and appropriate, and whether the offender should be eligible for license restoration.

III. Successful completion shall also include payment of all assessed IDIP, MOP, and equivalent program fees. Failure of the offender to make full payment of the assessed fee may also result in petition for contempt of court charges against the offender.

IV.(a) Upon enrolling in an impaired driver intervention program, a person shall provide to the program an original certified copy of the person's driver's license record. Such record shall be secured from the division of motor vehicles, or from the state in which the person holds a driver's license, if an out-of-state resident. The person shall pay for all costs involved in securing the certified copy.

(b) In the case of enrollment in the state-operated 7-day multiple DWI offender intervention detention center, a person shall provide such certified copy at the time of enrollment or prior to the issuance of a report under RSA 172-B:2-b, III and RSA 265-A:4, V.

265-A:23 Driving After Revocation or Suspension.

I. No person shall drive a motor vehicle in this state after the director or the justice of any court in this state, or competent authority in the out-of-state jurisdiction where the license was issued has suspended or revoked such person's license to drive or after such person's driving privilege has been so suspended or revoked.

II. A person who drives a motor vehicle in this state after such person's license or driving privilege has been suspended or revoked shall be guilty of violating this section regardless of whether such person has a license on the effective date of such suspension or revocation. Evidence

that the notice of suspension or revocation was sent to the person's last known address as shown on the records of the division shall be prima facie evidence that the person was notified of the suspension or revocation.

III. A person who obtains or possesses an out-of-state license after such person's New Hampshire license or driving privilege has been revoked does not revive his or her driving privilege by having such out-of-state license, and such person shall be guilty of violating this section if he or she drives in the state while his or her New Hampshire license or driving privilege is suspended or revoked.

IV. Any person who violates this section by driving a motor vehicle in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265-A:34 shall be guilty of a misdemeanor. Any person who violates this section by driving a motor vehicle or by operating an OHRV in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265-A:2, RSA 265-A:3, or RSA 630:3, II shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period not less than 7 consecutive 24-hour periods to be served within 6 months of the conviction, shall be fined not more than \$1,000, and shall have his or her license or privilege revoked for an additional year. No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court. No case brought to enforce this paragraph shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by title LXII or any other provision of law.

V. Notwithstanding the definition of "revocation" in RSA 259:90 and the definition of "suspension" in RSA 259:107, the phrase "period of suspension or revocation" as used in paragraph IV and for purposes of paragraph IV only shall mean only suspension or revocation imposed by a court of competent jurisdiction.

VI.(a) Except as provided in subparagraph (b), any person who drives a motor vehicle in this state during the period of suspension or revocation of his or her license or driving privilege and is involved in a collision resulting in death or serious bodily injury, as defined in RSA 625:11, VI, to any person, shall be guilty of a class B felony, where such person's unlawful operation of the motor vehicle caused or materially contributed to the collision. Evidence that the driver violated any of the rules of the road shall be prima facie evidence that the driver caused or materially contributed to the collision.

(b) A person violating this section whose license or driving privilege has been suspended pursuant to the provisions of RSA 263:14 only shall be guilty of a misdemeanor.

VII. Any person who violates the provisions of this section shall be guilty of a misdemeanor upon conviction based upon a complaint which alleged that the person has had one or more prior convictions for driving after revocation or suspension in this state within the 7 years preceding the date of the second or subsequent offense.

VIII. Except as provided in paragraphs IV, VI, and VII, any person who violates the provisions of this section shall be guilty of a violation.

265-A:24 Period of License Suspension. Where a license or driving privilege has been suspended under RSA 265-A:18 and the person is also convicted on criminal charges arising out of the same event both the suspension and the court ordered revocation shall be imposed but the total period of suspension and revocation shall not exceed the longer of the 2 periods; provided, however, that any suspension for refusing to submit to a test under the provisions of RSA 265-A:15 shall not run concurrently with any other penalty imposed under the provisions of this title.

265-A:25 Administrative License Suspension.

I. If any person refuses a test as provided in RSA 265-A:15 or submits to a test described in RSA 265-A:9 which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, 0.02 or more, the law enforcement officer shall submit a sworn report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265-A:9 and that the person refused to submit to testing or submitted to a test which disclosed an alcohol concentration of 0.08 or more, or, in the case of a person under the age of 21, 0.02 or more.

II. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph I, the department shall suspend the person's driver's license or privilege to drive as follows:



(a) In the case of a refusal to take a test described in RSA 265-A:9, the suspension shall be for the period specified in RSA 265-A:15.

(b) In the case of a person who submits to a test described in RSA 265-A:9 which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, 0.02 or more, the suspension shall be for:

(1) Six months if there is no prior refusal under RSA 265-A:15, no prior driving while intoxicated or aggravated driving while intoxicated convictions, and no prior administrative license suspension pursuant to this section.

(2) Two years if there is a prior refusal under RSA 265-A:15, or a prior driving while intoxicated or aggravated driving while intoxicated conviction, or a prior administrative suspension pursuant to this section.

III. On behalf of the department, the law enforcement officer submitting the sworn report under paragraph I shall serve immediate notice of suspension on the person, and the suspension shall be effective 30 days after the date of service. If the person has a valid New Hampshire driver's license, an officer shall take the driver's license of the person, and issue a temporary license valid for the notice period. The officer shall send the license to the department along with the sworn report under paragraph I.

IV. If the person submits to a test described in RSA 265-A:9 and the results of the test are not immediately available and therefore no notice has been served by the law enforcement officer, the department shall mail such notice and the suspension shall be effective 30 days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses. The notice shall be presumed to have been served 3 days after mailing. Upon receipt of the notice of suspension and before requesting any review or hearing under RSA 265-A:26, if the person has a New Hampshire driver's license that has not been surrendered, the person shall surrender such person's license at a place designated by the department and shall be issued a temporary driving permit valid for the notice period.

V. In the case of a person who has a driver's license from another jurisdiction, all provisions of this subdivision shall apply except that surrender of the out-of-state driver's license and issuance of a temporary driving permit shall not be required. The department shall transmit a copy of the suspension order to the motor vehicle authorities in the jurisdiction where the person's license was issued, and also in the jurisdiction of the person's residence if different from that where the license was issued.

#### 265-A:26 Administrative Review and Hearings.

I.(a) Any person whose license is suspended or revoked under this chapter or RSA 263:96 may request either an administrative review or a hearing. The request shall be in writing and shall state the grounds upon which the person seeks to have the order of suspension or revocation rescinded, which grounds shall be limited to those provided in paragraph II. The filing of the request shall not stay the suspension or revocation. A request for either administrative review or hearing received by the department after 30 days from the date the notice is issued shall be denied as untimely.

(b) If the request is for an administrative review, the request may be accompanied by any statement or other evidence which the person wants the department to consider. Upon receiving the request the department shall review the order, the evidence upon which it is based, including whether the person was driving or in actual physical control of a motor vehicle, and any other information brought to the attention of the department, and shall determine whether sufficient cause exists to sustain the order.

(c) If the request is for a hearing, the request shall also indicate whether or not the person desires to have the law enforcement officer present. The hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's report if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained.



II. The scope of the administrative review or hearing shall be limited to the issues of:

(a) Whether the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor, narcotics or drugs;

(b) The facts upon which the reasonable grounds to believe such are based;

(c) Whether the person had been arrested;

(d) Whether the person has refused to submit to the test upon the request of the law enforcement officer or whether a properly administered test or tests disclosed an alcohol concentration of 0.08 or more, or, in the case of a person under 21 years of age, 0.02 or more;

(e) Whether the officer informed the arrested person of his or her right to have a similar test or tests conducted by a person of his own choosing; and

(f) Whether the officer informed the arrested person of the fact that refusal to permit the test would result in suspension of his or her license or driving privilege and that testing above the alcohol concentration level specified in RSA 265-A:25 would also result in suspension.

III. In the case of either an administrative review or a hearing, the hearing examiner shall issue his or her recommendation on the order of suspension or revocation within 15 days of the request for administrative review or the hearing date. The recommendation shall be in writing and a copy shall be provided to the parties. The recommendation shall be final unless a review or appeal is filed under RSA 265-A:28 or RSA 265-A:29.

265-A:27 Appeal; Administrative License Suspension.

I. If the suspension is sustained after a hearing as provided in RSA 265-A:26, a person shall have the right to file a petition in the superior court in the county in which he or she was arrested to review the final order by the director or authorized agent within 30 days of the date of the final order. Jurisdiction to hear such appeals is vested in the superior court.

II. At the earliest practical time, the court shall review the record as developed before the director or authorized agent, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the director or agent or order that oral argument be held. As justice may require, the court may remand the case to the director or authorized agent for further findings or rulings. In no event shall the oral argument be held less than 14 days after notice has been provided to the director. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the director or agent shall not be raised before the superior court. The burden of proof shall be upon the appellant to show that the decision of the director or agent was clearly unreasonable or unlawful, and all findings of the director or agent upon all questions of fact properly before him or her shall be deemed to be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence before it, that the order is unjust or unreasonable.

III. No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if it shall be necessary in order that no party shall be deprived of any constitutional right, or if the court shall be of the opinion that justice requires the reception of evidence of facts which have occurred since the hearing, or which by reason of accident, mistake, or misfortune could not have been offered before the director or authorized agent, it shall remand the case to the director or authorized agent to receive and consider such additional evidence.

265-A:28 Review. Within 10 days following the examiner's ruling, a person whose license has been suspended or revoked, or the law enforcement officer, may petition the director for a review of the ruling. The filing of the petition shall not stay a suspension or revocation of the person's driver's license or privilege to drive if imposed, or the restoration of the person's driver's license or privilege to drive. The review shall determine whether the ruling is erroneous as a matter of law or cannot be sustained by the facts as presented at the hearing. After a review of the ruling, the director shall issue within 10 days a finding either affirming the ruling or granting a new hearing. Any grant of a new hearing shall be accompanied by a written explanation setting forth the specific error of law or the reason why the ruling cannot be sustained by the facts.

265-A:29 Appeal. Any person aggrieved by a decision of the department under this section, after the administrative hearing or review, may appeal the decision as provided in RSA 265-A:27. The court shall have the full authority to determine whether any license suspension or revocation should be stayed during the pendency of the appeal.

265-A:30 Revocation of License for Driving While Intoxicated and Appeal. Whenever any person convicted of a violation of RSA 265-A:2 or 265-A:3 appeals, the municipal or district court shall forthwith revoke the license or driving privilege of such person and, in case of a holder of a New Hampshire license, shall return such license together with the court return to the department which shall not reissue any license until the period of revocation determined by the court has elapsed.

265-A:31 Not Guilty Finding; Return of License. Any person whose license was revoked under the provisions of RSA 265-A:30 who appeals and is not found guilty shall have any previously held license returned. No additional fee requirements shall be imposed in connection with such license restoration.

265-A:32 Application to Boats.

I. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and a controlled drug.

II. Any person convicted of a violation of

(a) This section; or

(b) RSA 630:2 or 3, or RSA 631:1, 2, 2-a, or 3 when the offense was committed by means of his or her operation of a boat shall not operate a boat on the waters of this state for a period of one year from the date of his or her conviction, whether or not such conviction is appealed. Any person operating a boat during such a period is guilty of a misdemeanor.

III. Any person convicted of a violation of this section who at the time of the violation was transporting a person under the age of 16 shall not operate a boat on the waters of this state until the offender has successfully completed a 7-day program at the state operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner of the department of health and human services at the person's own expense. Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.

IV. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine or blood.

V. Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

VI. Any person who is convicted of a violation of paragraphs I-III of this section shall be subject to the same penalties as a person convicted of a violation of RSA 265-A:2 as specified in RSA 265-A:4.

VII. Any person who is convicted of a violation of RSA 265-A:2 or RSA 265-A:3 shall lose the privilege to operate a motorboat on the waters of this state for a period of one year from the date of conviction.

265-A:33 Application to OHRVs.

I. No person shall drive, operate or attempt to operate an OHRV:

(a) While he or she is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drugs; or

(b) While the person has an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21, 0.02 or more.

II. A person shall be guilty of aggravated driving while intoxicated if such person drives, operates, or attempts to operate an OHRV:

(a) While under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug and, at the time alleged:

(1) Causes an OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another; or

(2) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion, or abandoning the OHRV while being pursued;

(b) While having an alcohol concentration of 0.08 or more and, at the time alleged:

(1) Causes an OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another; or

(2) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion, or abandoning the OHRV while being pursued;

(c) While having an alcohol concentration of 0.16 or more.

III. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence obtained under RSA 265-A:9 of the amount of drugs in the defendant's blood or the defendant's alcohol concentration as defined in RSA 265-A:1 at the time alleged, as shown by chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood.

IV.(a) Any person who is convicted of a violation of paragraph I shall be subject to the same penalties as a person convicted of a violation of RSA 265-A:2 as specified in RSA 265-A:4.

(b) Any person who is convicted of a violation of paragraph II shall be subject to the same penalties as a person convicted of a violation of RSA 265-A:3 as specified in RSA 265-A:4.

**Related Driving Offenses Involving Drugs or Alcohol**

265-A:34 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, fined not less than \$250 nor more than \$500 and his or her license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

265-A:35 Suspension of License; Recognizance Required on Appeal. Whenever any person convicted of a violation of RSA 265-A:34 appeals, the municipal or district court or justice shall order the person appealing to recognize in the sum of \$100, with sufficient sureties, to keep the peace and be of good behavior until such appeal has been finally disposed of. If the person appealing fails to recognize in said sum, the municipal or district court or justice shall forthwith suspend the license of such person. If during such appeal period, such person is convicted of another violation of RSA 265-A:34 unrelated to the prior conviction, the municipal or district court or the justice shall, upon receiving notice of such conviction, immediately suspend the license of such person, shall declare the recognizance forfeited, and shall request the county attorney to cause proceedings to be had immediately for the recovery of such forfeiture, such proceedings to be subject to the provisions of RSA 597:33, 34, 35, 36 and 38. Upon suspension of the license of such person either upon failure to recognize after conviction or during the appeal period as hereinabove provided, in case of holders of New Hampshire licenses, the municipal or district court or justice shall return such licenses together with the court return to the department which shall not reissue said license until such person is acquitted. If the person so appealing is convicted, and has had his or her license suspended during the appeal period for failure to recognize in the required sum, the period of suspension shall be computed from the date of the initial conviction. If the person so appealing is convicted and has not had his or her license suspended because he or she has recognized in the required sum, or has had his or her license suspended because of a second conviction during the appeal period, the period of suspension shall commence upon the date of his or her final conviction upon such appeal.

265-A:36 Recognizance When Appealing Out of State Conviction. Whenever any person convicted in another state of the type of violation cited in RSA 265-A:34 appeals, the person appealing may recognize in this state in the sum of \$100, with sufficient sureties to keep the peace and be of good behavior until such appeal has been finally disposed of. Such sum shall be paid to the department and no suspension of his or her New Hampshire driver's license shall occur while the appeal of the out of state conviction is pending.

265-A:37 Prohibition on Issuance of New License. No new license or certificate shall be issued by the department to any person convicted of a violation of RSA 265-A:34 until after 60 days from the date of final conviction.

265-A:38 License Restored Upon Expiration of Revocation Period. Whenever any court revokes or suspends a license pursuant to RSA 265-A:34 for a stated period of time, the department shall restore said license immediately upon the expiration of the period of revocation or suspension ordered by the court provided that:

I. Any required application and fee have been submitted; and

II. No other suspension or revocation of such license, pursuant to RSA 264:2, I(e) or any other provision of this title, is still in effect.

265-A:39 License Restored Upon Proof of Financial Responsibility. Notwithstanding the provisions of RSA 265-A:38, the director shall not restore a license or driving privilege to a person whose license or driving privileges have been revoked pursuant to RSA 265-A:3 until such person has furnished proof of financial responsibility as required by other provisions of the law.



265-A:40 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years.

265-A:41 Transporting Alcoholic Beverages.

I. The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1.

II. Except as provided in paragraph V, no driver shall transport, carry, possess or have any liquor or beverage within the passenger area of any motor vehicle upon any way in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the trunk of the motor vehicle. If the motor vehicle does not have a trunk, such containers shall be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

III. Except as provided in paragraph V, no passenger shall carry, possess or have any liquor or beverage within any passenger area of any motor vehicle upon any way or in an area principally used for public parking in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages may be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

IV. A person who violates this section shall be guilty of a violation. In addition, a person who violates paragraph II of this section may have his or her driver's license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

V. This section shall not apply to persons transporting, carrying, possessing or having any liquor or beverage in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver of any of said vehicles is prohibited from having any liquor or beverage in or about the driver's area.

VI. For the purposes of this section only:

(a) "Passenger area of any motor vehicle" shall not include any section of a motor vehicle which has been designed or modified for the overnight accommodation of persons or as living quarters.

(b) "Way" shall mean the entire width between the boundary lines of any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use or any such way which has been used for public travel for 20 years.

265-A:42 Transportation of Alcoholic Beverages by a Minor.

I. Notwithstanding RSA 265-A:41, II, no driver under the age of 21 shall, except when accompanied by a parent, legal guardian, or legal age spouse, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his or her license or right to drive suspended for 60 days. The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1. "Legal age spouse" means a person 21 years of age or older.

II. This section shall not apply to a driver under 21 years of age employed under RSA 179:23.

2 Cross Reference Correction. Amend RSA 21-P:14, IV(j) and (k) to read as follows:

(j) Suspension or revocation of a driver's license or driving privilege, as authorized by RSA 263:53-66 and RSA ~~263:73~~ 265-A:20.

(k) Appeals of driver's license denial, suspension, or revocation, as authorized by RSA ~~263:75~~ 265-A:27 and 263:76.

3 Cross Reference Correction. Amend RSA 21-P:14, IV(r) to read as follows:

(r) Administrative suspension of motor vehicle licenses pursuant to RSA ~~265:91-a-265:91-e~~ 265-A:25, including notices, forms, temporary driving permits, hearing procedures, and procedures for restoration after the suspension period.

4 Cross Reference Correction. Amend RSA 125:15-a, V to read as follows:

V. The methods, procedures, and techniques for the testing of blood, urine, and breath to determine alcohol concentration as described under RSA ~~265:85-v~~ 265-A:7.

5 Cross Reference Correction. Amend RSA 154:8-a, II-a(e) to read as follows:

(e) The person responsible for the equipment contamination may appeal payment for such costs within 30 days of receipt of the bill for the costs to the commissioner of safety. The commis-



sioner shall hold an administrative hearing within 30 days after receiving the appeal, at which time the extent of liability for costs shall be determined. The commissioner shall issue a decision within 30 days after holding the hearing. Any person aggrieved by a decision of the commissioner under this section may appeal the decision to the superior court in the same manner as that prescribed in RSA [263:75, H and HH] 265-A:27.

6 Impaired Driver Intervention Program and Multiple Offender Program Regulation. RSA 172-B:2-a, I and the introductory paragraph of paragraph II are repealed and reenacted to read as follows:

I. Except as provided in paragraph II, the director shall be responsible for approving the impaired driver intervention program (IDIP), required for restoration of a revoked driver's license after a first offense DWI conviction under RSA 265-A:4, I(a)(3) and I(c)(3), and any multiple offender program (MOP) required for restoration of a revoked driver's license after a second or subsequent offense conviction under RSA 265-A:4, II and III. The MOP shall be equivalent to the state-operated 7-day residential multiple DWI offender intervention detention center program. The director shall not approve any IDIP or MOP unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected from program providers under subparagraph III(c) of this section shall be placed in a non-lapsing revolving account and shall be used by the director for the purposes of this chapter only.

II. The director jointly with the commissioner of safety shall adopt rules, pursuant to RSA 541-A, relative to IDIPs and MOPs, both state-operated and those operated by private providers, with respect to:

7 Cross Reference Corrections. Amend RSA 172-B:2-b, I-III to read as follows:

I. The commissioner shall be responsible for administration and operation of the 7-day multiple DWI offender intervention detention center program which persons convicted under RSA [265:82 or RSA 265:82-a] 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2, V(h) may be required to attend.

II. Any person who attends the 7-day multiple DWI offender intervention detention center program shall be required to pay the fees for confinement and intervention costs prior to and as a prerequisite to admission into the program, except that prior payment shall not be required of any person convicted on a second or subsequent offense pursuant to RSA [265:82-b, H or HH] 265-A:3. The fees shall be sufficient to make the program self-supporting, exclusive of start-up costs. The fees collected shall be deposited in a special account in the office of the state treasurer and utilized as provided in RSA 172-B:2-c.

III. The state-operated 7-day multiple DWI offender intervention detention center program shall furnish to the courts and to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA [265:82-b] 265-A:22 has successfully completed the program. Included in that report shall be any recommendations for further treatment or involvement in a substance abuse program when appropriate and warranted. The court, upon receipt of such report, may after a hearing order the defendant to follow the treatment recommendations at a court-approved treatment facility.

8 New Paragraph; Annual Reports. Amend RSA 172-B:2-b by inserting after paragraph III the following new paragraph:

IV. The director shall submit an annual report of the state-operated multiple DWI offender intervention detention center program, on or before January 1 of each year, to the speaker of the house of representatives and the president of the senate.

9 Cross Reference Corrections. Amend RSA 172-B:2-c to read as follows:

172-B:2-c Utilization of Funds. All funds derived from the fees collected by the commissioner under RSA [265:82-b] 265-A:4 shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the 7-day multiple DWI offender intervention detention center program account. These funds are appropriated as indicated in the operating budget as a source of funds for the 7-day multiple DWI offender intervention detention center program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

10 Cross Reference Correction. Amend RSA 179:27-a, II to read as follows:

II. Any partially consumed bottle of table wine which is to be removed from the premises under paragraph I shall be securely sealed and bagged, by the licensee, either to be in conformance with

any applicable local open container law for those patrons on foot, or transported as required by RSA [265:81] 265-A:41, in the trunk of a motor vehicle. If the vehicle is not equipped with a trunk, the securely sealed opened table wine bottles may be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

11 Cross Reference Correction. Amend RSA 214:20-c to read as follows:

214:20-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of RSA 214:20 or 214:20-a, the court may admit evidence of the defendant's alcohol concentration, as defined in RSA [259:3-b] 265-A:1, as shown by a chemical analysis of his *or her* breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less in prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of greater than 0.03 but less than 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In the case of a person under the age of 21 an alcohol concentration of 0.02 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

12 Cross Reference Corrections. Amend RSA 214:20-f to read as follows:

214:20-f Administration of Blood Alcohol Concentration Tests. All and any alcohol concentration tests performed as authorized in RSA 214:20-d shall be conducted pursuant to the requirements of RSA [265:85] 265-A:7, relative to the testing of blood, urine, and breath.

13 Cross Reference Correction. Amend RSA 214:20-g to read as follows:

214:20-g Additional Tests. The provisions of RSA [265:86] 265-A:12, relative to the right of an arrested person to obtain additional tests, shall apply to any person to whom RSA 214:20-d is applicable.

14 Cross Reference Correction. Amend RSA 214:20-j to read as follows:

214:20-j Official Record of Tests. The provisions of RSA [265:90] 265-A:7, relative to notice to the court and the admissibility of the official report of tests, shall govern admissibility of the official records related to the tests taken pursuant to this RSA 214:20-d as well as the notice required to compel the attendance of any person who conducted such tests at trial.

15 Cross Reference Correction. Amend RSA 215-A:29, XIX(b) to read as follows:

(b) Any person who violates this section by operating an OHRV in this state during the period of suspension or revocation of such person's license or driving privilege for a violation of RSA [215-A:11] 265-A shall be guilty of a misdemeanor and shall be sentenced in accordance with RSA [263:64, IV] 265-A:4.

16 Words and Phrases Defined. Amend RSA 259:39, I to read as follows:

I. Three or more convictions, singularly or in combination, of the following offenses:

- (a) Conviction of any offense specified in RSA 261:73;
- (b) Conviction of any offense specified in RSA 262:1, I;
- (c) Conviction of any offense specified in RSA 262:8;
- (d) Conviction of any offense specified in RSA 262:12;
- (e) Conviction of any offense specified in RSA 262:13;
- (f) Conviction of any offense specified in RSA 263:12, V;
- (g) Conviction of any offense specified in RSA [263:64] 265-A:23;
- (h) Conviction of any offense specified in RSA 264:25;
- (i) Conviction of any offense specified in RSA 265:4;
- (j) Conviction of any offense specified in RSA 265:79;
- ~~(k) Conviction of any offense specified in RSA 265:82;~~
- ~~(l) Conviction of any offense specified in RSA 265:82-a;~~

~~(m)~~ (k) Conviction under RSA 630:2 of manslaughter resulting from the operation of a motor vehicle;

~~(n)~~ (l) Conviction under RSA 630:3 of negligent homicide resulting from the operation of a motor vehicle;

~~[(t)]~~ (m) Conviction of any felony in which a motor vehicle is used;

~~[(p)]~~ (n) Conviction of any offense specified in RSA 265:75.

17 References Changed. Amend RSA 259:125, II to read as follows:

II. For the purposes of RSA 265:79[~~, RSA 265:82, and RSA 265:82-a~~] **RSA 265-A:2, and RSA 265-A:3**, any public highway, street, avenue, road, alley, park, parking lot or parkway; any private way laid out under authority of statute; ways provided and maintained by public institutions to which state funds are appropriated for public use; any privately owned and maintained way open for public use; and any private parking lots, including parking lots and other out-of-door areas of commercial establishments which are generally maintained for the benefit of the public.

18 Appropriation of Records. Amend RSA 260:16 to read as follows:

260:16 Appropriation. The department may destroy, at the end of 5 years from the date of filing, originals or copies, including photographs, microphotographs or photographic film, of reports required by law of accidents and applications for licenses to drive motor vehicles and for the registration thereof. The department may destroy any obsolete number plates and forms which, in the director's opinion, are no longer of any value to the state. The time limit provided herein shall not apply in the case of the destruction of original records, papers or documents as provided in RSA 260:19. This section shall not be construed as allowing the destruction of any record of conviction maintained for the purposes of RSA ~~[265:82]~~ **265-A:2**.

19 Habitual Offenders; Revocation of Registration. Amend RSA 261:180, III to read as follows:

III. The commissioner, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving under the influence of intoxicating liquor or any controlled drug under RSA ~~[265:82]~~ **265-A:2**, or aggravated driving while intoxicated under RSA ~~[265:82-a]~~ **265-A:3**, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

20 Convictions. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39, who does not have a conviction under RSA ~~[265:82]~~ **265-A:2** or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA ~~[265:82]~~ **265-A:2** or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

21 Cross Reference Correction. Amend RSA 262:44 to read as follows:

262:44 Appearance; Default. Any person charged with a violation of the provisions of title XXI on vehicles, excluding a violation of RSA 263:1-a, 265:79, ~~[265:82, 265:82-a]~~ **265-A:2, 265-A:3**, 265:115, 265:117, a speeding offense under RSA 265:60 for which the defendant must appear in court, and any offense which is a misdemeanor or felony, may plead guilty, nolo contendere, or not guilty by mail in the following manner:

22 Youth Operators; Probationary Licenses. Amend RSA 263:14-a, I(a) to read as follows:

(a) Any person who shall apply for reissuance of his driver's license following revocation or suspension for an offense under RSA 265:79, RSA ~~[265:82]~~ **265-A:2** or RSA ~~[265:82-a]~~ **265-A:3** is an "at risk" driver and his *or her* driver's license shall be probationary for 3 years following the date of reissuance.

23 New Subparagraph; Refusal of Alcohol or Drug Concentration Testing. Amend RSA 263:56, I by inserting after subparagraph (h) the following new subparagraph:

(i) Has refused testing for alcohol or drug concentration, or has tested an excess concentration of alcohol or drugs, as provided in RSA 265-A:15.

24 Purge of Records. Amend RSA 263-56-a, II(b) to read as follows:

(b) The director shall purge the record of violations in default, related suspensions, and all fees and fines assessed against these defaults and suspensions under this section that have been on file for more than 7 years; provided, however, that the director shall not purge such records for a violation of RSA 265:79, RSA ~~[265:82, RSA 265:82-a]~~ **265-A:2, 265-A:3**, RSA 265:115, RSA 265:117, and any offense which is a misdemeanor or felony during the defendant's



lifetime until the defendant's driver's license or driving privilege is reinstated. All courts shall notify the director of any such failure on a form prescribed by the director.

25 Cross Reference Correction. Amend RSA 263:94, I(a)(1) to read as follows:

(1) Driving a commercial motor vehicle under the influence of alcohol with an alcohol concentration of 0.04 or greater, or other controlled substance, notwithstanding RSA [265:89] 265-A:2;

26 Cross Reference Correction. Amend RSA 263:96, I to read as follows:

I. Any person who drives a commercial motor vehicle upon the ways of New Hampshire shall be deemed to have given consent, subject to the provisions of RSA [265-A:11] 265-A:9, to test or tests of any or all or any combination of the following: blood, breath, or urine, for the purpose of determining that person's alcohol concentration, or the presence of other drugs.

27 Cross Reference Correction. Amend RSA 263:96, IV to read as follows:

VI. The driver shall have the opportunity for a hearing and appeal as provided in RSA [263:75 and RSA 265:91-b] 265-A:26, RSA 265-A:27, and RSA 265-A:28 and RSA 265-A:29.

28 Cross Reference Correction. Amend RSA 270:12-a, I(b) to read as follows:

(b) The provisions of RSA [270:48-a] 265-A:32, relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug or other unlawful operation of boats thereunder and all other crimes and offenses occurring on the public bodies of inland waters of the state;

29 Reference Corrections. Amend RSA 270:46-a, I(c) and (d) to read as follows:

(c) RSA [270:50] 265-A:15, refusal of consent.

(d) RSA [270:48-a] 265-A:32, operating boats under the influence of liquor or drugs.

30 Deletion of Repealed Reference. Amend RSA 270:83 to read as follows:

270:83 Chocorua Lake. No person shall use, operate, or have aboard or attached to any boat [as defined in RSA 270:48, H] a petroleum- or electric-powered inboard or outboard motor, or any other type of power motor, upon the waters of Chocorua Lake in Tamworth. Whoever violates the provisions of this section shall be guilty of a violation.

31 Cross Reference Correction. Amend RSA 502-A:19-b, I to read as follows:

I. Such defendant shall receive, in addition to his *or her* summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the usual fines for violations of the provisions of title XXI on vehicles, excluding violations of RSA 265:79, [265:82] 265-A:2 or any offense which is a misdemeanor or felony; the usual fines for violations of the provisions of RSA 270, 270-A, and 270-E, excluding any offense which is a misdemeanor or felony; and the usual fines for violations of the provisions of title XVIII on fish and game laws, excluding any offense which is a misdemeanor or felony. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except, if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the division of motor vehicles within 30 days of the date of summons. Defendants in violation of the provisions of title XVIII shall be subject to the provisions of RSA 207:18 and RSA 214:19.

32 Cross Reference Correction. Amend RSA 630:3, II to read as follows:

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat [as defined in RSA 270:48, H], he causes the death of another.

33 Annulment of Record. Amend RSA 651:5, III to read as follows:

III. Except as provided in RSA [265:82-c] 265-A:26 or RSA 265-A:27, in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction and sentence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA [265:82] 265-A:2, for a period of time as follows:

34 Extended Sentences. Amend RSA 651:6, I(l)-(m) to read as follows:



(l) Such person has previously been convicted of a violation of RSA 630:3, II, RSA [265:82-a, I(b) or H(b)] 265-A:3, or any crime in any other jurisdiction involving driving a motor vehicle under the influence of controlled drugs or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA [265:82-a, I(b) or H(b)] 265-A:3; or

(m) Such person has twice previously been convicted in this state or any other jurisdiction, for driving a motor vehicle under the influence of intoxicating liquors or controlled drugs, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA [265:82-a, I(b) or H(b)] 265-A:3.

35 Repeal. The following are repealed:

- I. RSA 215-A:11 through 215-A:11-q, relative to DWI provisions for OHRVs.
- II. RSA 259:3-a, relative to the definition of alcohol.
- III. RSA 259:3-b, relative to alcohol concentrations.
- IV. RSA 263:56-e, II(c), relative to attendance at impaired driver intervention programs.
- V. RSA 263:65-a, relative to attendance at impaired driver intervention programs.
- VI. RSA 263:66, relative to revocation of license for driving while intoxicated and appeals.
- VII. RSA 263:67, relative to not guilty findings; return of license.
- VIII. RSA 263:68, relative to suspension of license and recognizance on appeal.
- IX. RSA 263:69, relative to recognizance when appealing out of state convictions.
- X. RSA 263:70, relative to prohibition on issuance of new license.
- XI. RSA 263:71, relative to license restoration upon expiration of revocation period.
- XII. RSA 263:71-a, relative to license restoration upon proof of financial responsibility.
- XIII. RSA 263:73, relative to revocation of nonresident privilege.
- XIV. RSA 263:75, relative to appeals.
- XV. RSA 265:80, relative to possession of drugs.
- XVI. RSA 265:81, relative to transporting alcoholic beverages.
- XVII. RSA 265:81-a, relative to transportation of alcoholic beverages by a minor.
- XVIII. RSA 265:82, relative to driving under influence of drugs or liquor; driving with excess alcohol concentration.
- XIX. RSA 265:82-a, relative to aggravated driving while intoxicated.
- XX. RSA 265:82-b, relative to penalties for intoxication or operating under the influence of drugs offenses.
- XXI. RSA 265:82-c, relative to annulment; plea bargaining.
- XXII. RSA 265:82-d, relative to payment of all obligations prior to restoration.
- XXIII. RSA 265:83, relative to arrests without a warrant.
- XXIV. RSA 265:84, relative to implied consent of driver to submit to testing.
- XXV. RSA 265:85, relative to administration of alcohol concentration tests.
- XXVI. RSA 265:85-a, relative to administration of physical tests.
- XXVII. RSA 265:86, relative to additional tests.
- XXVIII. RSA 265:87, relative to prerequisites to tests.
- XXIX. RSA 265:88, relative to effect of evidence of alcohol concentration tests.
- XXX. RSA 265:88-a, relative to evidence of refusal to take alcohol concentration tests.
- XXXI. RSA 265:89, relative to evidence.
- XXXII. RSA 265:90, relative to official records of tests.
- XXXIII. RSA 265:91, relative to incapacity to give consent.
- XXXIV. RSA 265:91-a, relative to administrative license suspensions.
- XXXV. RSA 265:91-b, relative to administrative review and hearings.
- XXXVI. RSA 265:91-c, relative to period of license suspension.
- XXXVII. RSA 265:91-d, relative to appeals.
- XXXVIII. RSA 265:91-e, relative to appeals.
- XXXIX. RSA 265:92, relative to refusal of consent.
- XXXX. RSA 265:92-a, relative to preliminary breath test.
- XXXXI. RSA 265:93, relative to blood testing of certain motor vehicle fatalities.
- XXXXII. RSA 270:47 through 270:58-b, relative to implied consent for boaters.

36 Effective Date. This act shall take effect January 1, 2001.

**HB 1621-FN**, allowing administrative home confinement for habitual offenders. **OUGHT TO PASS**  
Rep. Frederick B. Andrews for Criminal Justice and Public Safety: Under current statute, anyone who has been found to be a habitual offender and is subsequently convicted of driving during the period of revocation or suspension, shall be sentenced to not less than one year or more than five years of imprisonment. HB 1621 allows the court to order home confinement with court imposed restrictions for the minimum sentence of one year. The cost of monitoring home confinement falls to the offender and the cost of imprisonment is eliminated. This will help the families of the offender when the offender is employed and still able to maintain his/her obligations. It may prevent a family from breakup, financial disaster or living on welfare. The court will have the authority to determine whether a particular convicted offender is an appropriate subject to be allowed home confinement vs. jail incarceration. Vote 16-0.

**SB 336**, relative to the issuance of fire permits. **OUGHT TO PASS**

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill eliminates a problem that has required a subjective decision to be made by those authorized to issue a burning permit as to the authorized area that a permit burn may be conducted. This change will now require a permit to be issued for all burns unless there is adequate snow covering the ground. Vote 12-0.

**HB 1393-L**, relative to teacher contract renewals and enforcement of teacher contracts. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Guest for Education: The committee is sympathetic with the intent of the bill, but believes the issues can be handled more effectively at the local level without resorting to complicated appeal mechanisms. Present law allows local school boards to adopt policies and levy appropriate damages to employees who break employment contracts. Indeed, there could be a number of valid reasons why a teacher might "break" a contract. Superintendents who testified, all of whom opposed the bill, pointed to cases in which such action could be mutually beneficial in a teacher exchange agreement with another school district. We question the punitive provisions of the bill. A civil penalty assessment of \$5,000 can, according to this bill, be imposed on a teacher. The bill also stipulates that a teacher's professional standards certificate can be suspended. A representative of the Department of Education, who opposed the bill, pointed out that professional qualification is an entirely different issue than that of individual employment contract agreements. Vote 18-0.

**HB 1129-FN**, relative to wetlands scientists. **INEXPEDIENT TO LEGISLATE**

Rep. Dana R. Landers for Executive Departments and Administration: This bill is an attempt to decertify the wetland scientists, which is not needed at this time. HB 197, which was passed in 1998 certifying these scientists, ought to be given the chance to work. There are now over 169 certified scientists with more than 40 more applications pending. Vote 19-0.

**HB 1133**, establishing a committee to study issues regarding martial arts instruction in the state. **INEXPEDIENT TO LEGISLATE**

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill established a committee to study the issues surrounding martial arts instruction and the need for licensure in the industry. The committee heard overwhelming testimony in opposition to the bill and no serious consumer safety issues were identified. The committee unanimously supported inexpedient to legislate. Vote 15-0.

**HB 1195**, making technical changes to the law regulating acupuncture. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill as amended makes the technical correction to reflect the name change of the organization that the continuing education credit required each biennial period now comes from the National Certification Commission for Acupuncture and Oriental Medicine. Vote 19-0.

#### **Amendment (3631h)**

Amend the bill by replacing section 7 with the following:

7 Initial Licensure; Renewal. Amend RSA 328-G:9, IX and X to read as follows:

IX. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted, and *upon payment of* fees established, by the board.

X. As a condition of renewal of license, the board shall require each licensee to show proof of having completed [in] *for* each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous [NCCA] *NCCAOM* certification shall fulfill the continuing education requirement as long as [NCCA] *NCCAOM* certification continues to require at least 30 Professional Development Activity points [in] *for* each biennium.

**HB 1203-L**, relative to the cost to municipal libraries of access to services of the state library. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1203, as amended, establishes a clear policy that no rule adopted by the commissioner of cultural resources shall require that our local public libraries increase their appropriation for maintenance, employee salaries and benefits, or material acquisitions in order to receive state library services. The funds for these purposes are raised by local property taxes and should be determined by the voters of each municipality in which a library is located. Furthermore, HB 1203, as amended, states that no rule adopted by the commissioner shall establish the qualifications for service as a local public library trustee. The voters in each municipality elect these trustees. The voters should be the sole judges of each trustee's qualifications to serve. The major issue in HB 1203 is the question of who sets policy. The ED&A committee is convinced that the New Hampshire General Court sets policy for all executive agencies, including the state library. Vote 17-1.

### Amendment (3856h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Purpose. The general court finds that since public libraries are operated to serve all of the residents in the communities in which they are located and the funds for the maintenance and operation of these libraries come largely from real estate taxes, the commissioner of cultural resources shall not dictate expenditure levels by rule. The general court further determines that the commissioner shall not adopt rules that designate qualifications for member library trustees elected by the voters pursuant to RSA 202-A.

2 Statewide Library Development System; State Library Services. Amend RSA 201-D:10 to read as follows:

201-D:10 Rulemaking.

I. The commissioner shall adopt rules under RSA 541-A and after public hearing, and subject to ratification by the state library council, relative to:

[F:](a) Standards for the associate, certified and accredited categories, and for any subcategory, concerning any or all of the following:

[F:](1) Level of service;

[F:](2) Evaluation and planning;

[F:](3) Cooperation with other libraries;

[F:](4) Participation in the library forum and statewide programs;

[F:](5) Personnel qualifications;

[F:](6) Organization of materials; and

[F:](7) Physical facilities.

[H:](b) Allocation of state aid and other funds to individual libraries, cooperatives and other groups, and library areas. For state aid, this shall include setting the allocation rate for each membership category and the local library expenditures to be counted in applying the rate.

[H:](c) Requirements that member libraries adopt written policies concerning any or all of the following:

[F:](1) General objectives;

[F:](2) Organization of materials;

[F:](3) Materials selection and collection development;

[F:](4) Personnel;

[F:](5) Public relations; and

[F:](6) Cooperation with public school libraries.



~~(IV)~~(d) Reporting requirements for funded programs and services.

~~(V)~~(e) Number and boundaries of library areas.

~~(VI)~~(f) Democratic procedures for library forums.

*II. No rule adopted by the commissioner shall require a member public library to increase its total appropriations for maintenance, employee salaries and benefits, and materials acquisitions in order to receive state library services.*

*III. No rule adopted by the commissioner shall establish qualifications for service as a library trustee.*

#### AMENDED ANALYSIS

This bill provides that no rule adopted by the commissioner of cultural resources shall require a public library that is a member of the statewide library development system to increase its total appropriations in order to receive state library services. This bill also provides that no rule adopted by the commissioner shall establish qualifications for serve as a library trustee.

**HB 1207**, relative to establishing a retired status for licensed plumbers. INEXPEDIENT TO LEGISLATE

Rep. Dana L. Landers for Executive Departments and Administration: After extensive research the conclusion seems to be that the majority of older licensed plumbers are not in favor of this bill. The consensus is it is simply not fair to those younger up and coming plumbers. This bill would also open up the floodgates in regards to every licensed occupation in the state coming before us and asking for the same benefit which could dramatically effect the fee revenues Vote 19-0.

**HB 1218**, relative to discipline of state employees or officers making willful false statements. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee felt that the issue addressed in this legislation would be best handled under the New Hampshire division of personnel and not through new legislation. The department has established rules to deal with disciplinary hearings to ensure proper handling of personnel policies and procedure including grounds for dismissal of state employees. Vote 14-0.

**HB 1220**, establishing a New Hampshire conflict of interest law. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1220 proposes to reaffirm and codify the principles set forth in the 13th amendment of the U.S. Constitution concerning the subject of conflict of interest. While the committee understands the sponsor's intent in the subject, the legislative ethics committee, the professional conduct and judicial conduct committees of the NH Bar, when functioning properly, offer adequate protection against conflicts of interest abuse. Vote 14-0.

**HB 1276**, establishing a committee to study the adoption of a regulated health professions act to promote consistency and efficiency in health occupation regulation. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: This bill would establish a committee to study the adoption of a regulated health profession act for the purpose of promoting consistency and efficiency in health occupations regulation. This action was motivated by person who provides continuing health education programs who finds it difficult to work with the widely different continuing education requirements of the various health professions. The adoption of such an act has been recommended in a national study done by the Pew Foundation. However, such an act has not been adopted in any state in the union. The committee unanimously agreed that it is premature for New Hampshire to move in this direction at this time. Vote 14-0.

**HB 1288**, relative to the rulemaking hearing process for state agencies. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1288 would require agencies to hold a second public hearing prior to approval of rule changes to give the public an opportunity to review final revisions. Under the current process, an agency, board or commission holds a public hearing on an initial proposal. This first draft can be revised based on information received and concerns expressed during this hearing and written comments received during the public comment period. The final copy of the proposed rules is then submitted to the joint legisla-



tive committee on administrative rules (JLCAR). After the JLCAR staff reviews these rules to insure that the proposal meets the intent of the legislature and is in the public interest, the JLCAR committee holds its own public hearing. Based upon the recommendation of the JLCAR staff and the public input received, the committee may object to the proposed rules in whole or in part and may ask the agency to make changes. After these changes are made, the JLCAR staff again reviews the new proposed rules. Final approval is then scheduled for a regular meeting of JLCAR at which public comment once again may be heard. The committee is convinced that the rule-making process has served us well since its introduction in the late 1970's. Unfortunately, the public and many members of the legislature do not fully understand how it works. If we all subscribe to the "rule-making register" and check on the rules in which we have an interest, the present process will work just fine. Vote 14-0.

**HB 1338**, increasing the membership of the American and Canadian French cultural exchange commission. OUGHT TO PASS

Rep. William R. Zolla for Executive Departments and Administration: This bill increases the membership from 7 to 11 in order to provide representation to a broader segment of the state's population as well as additional volunteers at no cost to the state. All testimony during the public hearing was in support of this bill. Vote 15-0.

**HB 1347-FN**, relative to review of administrative rules by the legislature prior to adoption. INEXPEDIENT TO LEGISLATE

Rep. Howard C. Dickinson for Executive Departments and Administration: While the idea of requiring greater policy committee involvement in the "rule-making" process as described in HB 1347 is laudable, the proposal is premature for several reasons: Since the sunset process was repealed in 1987, the specific responsibility for committee oversight has been blurred. Furthermore, relatively few members understand the functions and responsibilities of the Joint Legislative Committee on Administrative Rules and the rule-making process in RSA 541-A. (Please refer to the committee report on HB 1288 for a description of the rule-making process). Furthermore, HB 1347 is not necessary because the chairman of each policy committee should take the responsibility to insure that all proposed rules are consistent with legislation that their committee has passed. Vote 14-0.

**HB 1371**, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles. OUGHT TO PASS

Rep. Merton S. Dyer for Executive Departments and Administration: The bill was referred to the ED&A committee, as a second committee, to review the section on administrative rules. The committee found that the rules the commissioner of health and human services must adopt covers the areas of accountability and reporting that are necessary to properly implement this bill. Vote 17-1.

**HB 1415-FN**, relative to the classification of certain personnel of the department of corrections. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: The committee needs to give further study to this bill. This is a complex bill dealing with some department of corrections personnel and whether they should be classified in group I or group II of the New Hampshire Retirement System. This will require additional study of each job description and supplemental job description to determine which positions meet the criteria set forth in RSA 100-A:1,VII. The retirement subcommittee will report their findings to the full committee in the fall and any new legislation will be filed for the 2001-2002 session. Vote 18-0.

**HB 1467-FN**, relative to the licensing of mail-order pharmacies. OUGHT TO PASS WITH AMENDMENT

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill comes to us from the board of pharmacy. Mail order opportunities for prescriptions have been features in most health plans affording our citizens the opportunity of convenience and cost saving. With the advent of e-commerce the ease of ordering prescriptions over the Internet, at times without the need of a doctor's prescription, is causing great alarm. Today over 250 companies scattered all over the US, on off shore islands and in foreign countries have eased the process of obtaining drugs. Internet doctors, for a fee, are reviewing brief medical history questionnaires and approving prescription drugs. This bill requires mail order pharmacies located outside of New Hampshire who ship, mail or deliver

prescription drugs into this state to be registered in New Hampshire and requires them to obtain a permit issued by the New Hampshire pharmacy board. A yearly registration fee of \$150 per out of state pharmacy/company covers the cost of implementing this oversight. Vote 14-2.

### Amendment (3763h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the registration of mail-order pharmacies.

Amend the bill by replacing all after section 1 with the following:

2 Registration Required for Mail-order Pharmacies. Amend RSA 318:37 to read as follows:  
318:37 Required[~~When~~]; **Compliance.**

*I. No person shall conduct or operate a pharmacy for the sale at retail of drugs and medicines unless such pharmacy is registered with[;] and a permit therefor has been issued by[;] the pharmacy board, except as provided in this chapter.*

*II.(a) No person shall conduct or operate a mail-order pharmacy located outside of this state by shipping, mailing, or delivering prescription drugs into this state unless such pharmacy is registered in New Hampshire and a permit has been issued by the New Hampshire pharmacy board.*

*(b) To obtain a permit, a mail-order pharmacy shall comply with each of the following:*

*(1) Maintain a license in good standing from the state in which the mail-order pharmacy is located;*

*(2) Submit to the New Hampshire pharmacy board an application for registration as provided by the New Hampshire pharmacy board;*

*(3) Pay all appropriate registration fees;*

*(4) Submit to the New Hampshire pharmacy board a copy of the state pharmacy license from the state in which the mail-order pharmacy is located;*

*(5) Submit to the New Hampshire pharmacy board a copy of the state and federal controlled substance registrations from the state in which it is located, if controlled substances are to be shipped into this state.*

*(c) When requested to do so by the New Hampshire pharmacy board, each mail-order pharmacy shall supply the New Hampshire pharmacy board with any inspection reports, warning notices, disciplinary actions, notice of deficiency reports, or any other related reports from the state in which it is located concerning the operation of a mail-order pharmacy for review of compliance with state and federal drug laws.*

*(d) Except in emergencies that constitute an immediate threat to the public health and require expedited action by the board, the New Hampshire pharmacy board shall file a complaint with the licensing board of the state in which the mail-order pharmacy is located when known or suspected violations of the laws of the state in which the pharmacy is located are uncovered. If the licensing board in the state in which the mail-order pharmacy is located initiates disciplinary action, the New Hampshire pharmacy board may request the appropriate documents involved in the action for consideration of discipline against the pharmacy registration of the mail-order pharmacy. If no action is taken against the mail-order pharmacy by the licensing board of the state in which it is located, the New Hampshire pharmacy board may request copies of any investigation reports available from that state.*

*(e) The New Hampshire pharmacy board shall extend reciprocal cooperation to any state that licenses and regulates mail-order pharmacies for the purpose of investigating complaints against pharmacies located in New Hampshire or the sharing of information and investigative reports, as long as the other state shall extend the same reciprocal cooperation to the New Hampshire pharmacy board.*

3 Effective Date. This act shall take effect October 1, 2000.

### AMENDED ANALYSIS

This bill:

I. Defines "mail-order pharmacy".

II. Requires that mail-order pharmacies be registered with and receive a permit from the pharmacy board.

III. Provides requirements that a mail-order pharmacy must meet in order to obtain a permit to conduct business in this state.

IV. Provides procedures for the pharmacy board to be followed when known or suspected violations by a mail-order pharmacy are discovered.

V. Requires that the pharmacy board extend reciprocal cooperation for the purpose of investigating complaints to any state that licenses and regulates mail-order pharmacies, as long as the other state extends the same reciprocal cooperation to the pharmacy board.

This bill was requested by the New Hampshire pharmacy board.

**HB 1606-FN**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. **OUGHT TO PASS WITH AMENDMENT**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill establishes a high level commission to coordinate policy and review diverse funding streams to stem the growing tide of alcohol and drug abuse in New Hampshire. Federal funds go to many programs in the Departments of Health and Human Services, Education, Justice and to the National Guard, etc. This policy commission develops a statewide plan for the effective prevention of alcohol and drug abuse and establishes a comprehensive system of intervention and treatment. The amendment clarifies the appointing authority as the governor and council. Vote 14-0.

#### **Amendment (3694h)**

Amend RSA 12-J:1, I as inserted by section 2 of the bill by replacing it with the following:

I. Six public members, appointed by the governor and council, 2 of whom shall be professionals knowledgeable about alcohol and drug abuse prevention; 2 of whom shall be professionals knowledgeable about alcohol and drug abuse treatment, and 2 of whom shall be public members who are not professionals within the alcohol and drug addiction prevention and treatment system. The members appointed pursuant to this paragraph shall serve 3-year terms; provided that initially 2 members shall serve for one year, 2 members shall serve for 2 years, and 2 members shall serve for 3 years.

Amend RSA 12-J:2, I as inserted by section 2 of the bill by replacing it with the following:

I. The governor and council shall designate a member of the commission to serve as chairperson. The executive director of the commission shall be the director of the appropriate division responsible for alcohol and drug abuse prevention and recovery who shall serve without additional compensation.

**HB 1612-FN**, establishing a state office of privacy. **REFER FOR INTERIM STUDY**

Rep. Robert C. Batchelder for Executive Departments and Administration: HB 1612-FN affirms the principle that the state has an obligation to protect the privacy of citizens' personal information collected by the state for the purpose of administering laws. The bill states that such personal information shall be kept confidential, shall not be used by the state for purposes other than those for which it was collected, and shall not be given or sold to others so that this information becomes a commodity in the marketplace. The bill establishes a "privacy unit" under the commissioner of administrative services to oversee this policy. Although the committee strongly supports the intent of this bill, as written it raises several complicated issues of implementation (such as its relation to the "right to know" law, and to requests for information by the federal government). The committee needs more time to sort out these issues. It therefore recommends interim study. Vote 14-2.

**HB 1148-FN-L**, relative to certain weighted pupils within the adequate education grant distribution formula. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This bill provides that the additional weighting assigned to special education pupils and to pupils who are eligible to receive free or reduced-price meals be removed from the adequate education grant distribution formula. To take effect 60 days after passage, the bill reduces the amount the state will send to school districts from the education trust fund by \$79 and \$48.4 million respectively. Finance Committee members observed that changing the formula would considerably reduce the amount of state educational grants already budgeted by local communities for schools. Moreover donor communities, with large numbers of special needs and free or reduced lunch students, would see increased property taxes to make up for losses to state trust funds because the current formula contains these weighted provisions. Further the adequacy and tax equity commissions are examining the current formula along with a variety of taxing methods to meet the challenge of statewide funding for elementary and secondary education. Collectively the Finance Committee found the bill inexpedient to legislate. Vote 19-2.



**HB 1284-FN**, prohibiting the courts from charging fees. REFER FOR INTERIM STUDY  
Rep. Kenneth L. Weyler for Finance: Access to the courts by all citizens was a fundamental belief of the framers of the Constitution. Escalation of costs in recent years has made it difficult for citizens of moderate means to fully participate in the justice system. The court arrangements for transcripts allow the court recorders to charge as much as \$2500 for a transcript that a litigant would need for an appeal. Filing fees are no longer used to directly fund the court system, but go to the general fund. A study of the costs for a citizen to pursue a claim seems in order. Vote 25-0.

**HB 1459**, requiring the state police to record and update information relative to the charges of criminal and civil non-support. OUGHT TO PASS WITH AMENDMENT  
Rep. Robert K. Boyce for Finance: At the request of the state police and members of the policy committee, the committee amended this bill to give more flexibility to the state police. The amended language would allow the sheriffs and/or courts to be the designee to enter this information about arrest warrants and capias into the state police computer system. This amendment also clarifies that this bill only applies to in-state information. Vote 24-0.

#### Amendment (3848h)

Amend the bill by replacing section 1 with the following:

1 New Section; State Police; Intrastate Non-Support Recorded. Amend RSA 106-B by inserting after section 14-a the following new section:

106-B:14-b Intrastate Civil and Criminal Non-Support Recorded. The division of state police, or its designee, may record and update on its computer system on a daily basis the name of any person for whom there is an outstanding arrest warrant or capias issued for criminal or civil non-support, including failure to appear in connection with child support enforcement proceedings. The information recorded shall be made available upon request to all local and state law enforcement agencies and officers. The department of safety and its employees, agents, and designees shall not be held liable for errors of omission or commission in the recording and maintenance of this information unless the error is shown to be the result of gross negligence or an intentional act.

#### AMENDED ANALYSIS

This bill provides that the state police may record and update on its computer system any arrest warrant or capias issued for criminal or civil non-support.

**HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: The Finance Committee amendment changes the source of funding for this bill from a special assessment by the Public Utilities Commission against certified telecommunications providers. The amended language allows the Department of Resources and Economic Development to solicit up to \$150,000 in donations, grants and gifts for the purpose of commencing the telecommunications development initiative. This change more correctly reflects the presumptions made during testimony that certain telecommunications providers have pledged to donate the funds necessary to start the program. Vote 24-1.

#### Amendment (3915h)

Amend section 5 of the bill by replacing all after paragraph I with the following:

II. The department of resources and economic development is authorized to accept up to \$150,000 in donations, grants and gifts for the purpose of commencing the telecommunications development initiative established by this act. The funds accepted are continually appropriated to the department of resources and economic development for the purpose of commencing the telecommunications development initiative.

**HB 1572-FN-A-L**, repealing the education trust fund, the sources of funding for the education trust fund, and the procedures for funding state aid for educational adequacy. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: Effective January 2, 2003, this bill repeals the education trust fund, all sources for the fund, and procedures for funding state educational adequacy. Revenue Administration indicates state restricted revenues will decrease by \$80.3 million in FY 2003. Not repealed is the mechanism for the statewide property tax. This proposal put a weighty burden on



the first session of the next legislature to find a solution for state aid to education. Receiver towns, currently recipients of generous state educational grants, would lose state payments in 2003 if the legislature fails to act. History of the recent past gives faint hope that a solution will be found in a year. In addition, this legislation suggests that the Tax Equity Commission will be unsuccessful in proposing legislation to supercede the present grant system. Ending what is considered a temporary proposal with no proposal invites legislative muddle, so the committee found the bill inexpedient to legislate. Vote 18-1.

**HB 1586-FN-A-L**, relative to public highway safety grants and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance: While the bill as introduced would distribute excess highway funds to donor communities, the bulk of the committee's discussion regarded several amendments, including one offered by the sponsors, which would re-distribute meals and rooms tax revenues to donor communities up to a level of \$300,000 each. Clearly, the intent of the bill is to lessen the tax impact felt by these communities as a result of the statewide property tax. The committee has heard a number of different proposals and suggestions regarding this issue, and with each, there have been questions of fairness, equity, and constitutionality. While a proposal such as this bill would assist the affected donor communities, it would neither negate the excess statewide property tax payments for all towns nor mitigate payments in an equal manner amongst these communities. The proposal, while innovative and resourceful, has its own problems of equity and fairness and would likely cause further discontent between our towns and cities should it be adopted. Vote 24-1.

**HB 1615-L**, relative to the application of a local per capita income weighting factor to the education property tax. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Finance: This bill changes the calculation of the statewide property tax by adding a per capita income weighting factor. It also repeals RSA 198:38 VII (d) relative to weighting for free and reduced school lunch eligible pupils.

Although some may believe that an income factor should be included in the school funding solution, the committee recognized the following problems in this proposal: 1. The bill poses constitutional problems; it adjusts the tax itself on a community-to-community basis. Consequently, the tax may not be uniform and equal. 2. Local per capita income can be skewed by a few very wealthy individuals. 3. Although the calculation requires the use of a municipality's total equalized valuation, the income component does not include the incomes of all property owners, i.e., out-of-state owners. 4. The effective date, July 1, 2000 would unduly frustrate municipal and educational entities in their budget preparations.

The committee, therefore, voted this bill Inexpedient to Legislate, and asks the Tax Equity and Efficiency Commission to thoroughly examine the applicability of the bill's core concept. Vote 19-1.

**HJR 22**, relative to the unintended consequences of the Balanced Budget Act of 1997. OUGHT TO PASS WITH AMENDMENT

Rep. Carol F. Moore for Finance: This bill, as amended, requests the federal government to eliminate further medicare reductions of the Balanced Budget Act. The financial goals of the act have long ago been met, and further reductions would seriously damage access to needed levels of medicare services. Vote 22-1.

**Amendment (3816h)**

Amend the resolution by replacing all after the title with the following:

Whereas, the Medicare program has made medical services available to millions of senior and disabled citizens since its inception in 1965; and

Whereas, the success of the Medicare program relies on a fair and responsible partnership between the public and private sector to provide appropriate medical services for all eligible individuals; and

Whereas, the Balanced Budget Act of 1997 included the most comprehensive reforms to the Medicare program since its passage, resulting in a range of unintended consequences that are affecting the New Hampshire medical service delivery system accessed by our most frail and needy citizens and provided through hospitals, skilled nursing facilities, and home health agencies; and

Whereas, the Medicare revenue reductions projected by the Balanced Budget Act were intended only to slow the growth of Medicare expense, but have actually resulted in a reduction of Medicare expense that brings the 1999 expense below that of 1997 despite inflation factors of 3-5 percent during that time; and

Whereas, New Hampshire Medicare reimbursement to hospitals will be reduced by as much as an additional \$200,000,000 over the next 4 years above the reductions already experienced; and

Whereas New Hampshire home health agencies reimbursement has been reduced by \$24,000,000 to date and will be reduced by an additional 15 percent of the present Medicare reimbursement by October 1, 2001; and

Whereas, further reductions will seriously damage both beneficiary access to care and the ability of providers to continue to provide needed levels of service; and

Whereas, the ameliorative measures prescribed by the Balanced Budget Refinement Act of 1999 provide too little relief, restoring less than 10 percent of the reduction of Medicare revenue resulting from the Balanced Budget Act of 1997; now, therefore, be it

Resolved by the Senate and the House of Representatives in General Court convened

That the President of the United States and Congress instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been accomplished; and

That the President of the United States and Congress act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; and

That copies of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

### AMENDED ANALYSIS

This house joint resolution urges the President of the United States and Congress to instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been accomplished; and urges the President of the United States and Congress to act to eliminate further Medicare revenue reductions of the Act to protect beneficiaries' access to quality care when needed.

**HB 1506**, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C OUGHT TO PASS WITH AMENDMENT

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill extends the reporting date of the committee studying ambulatory surgical facilities and clarifies the amounts to be used in calculating the adjusted thresholds of hospitals and ambulatory surgical centers at \$1,759,512 and \$1,173,008 respectively, and allows for an annual adjustment using an appropriate inflation index. Vote 18-0.

### Amendment (3795h)

Amend the bill by replacing all after section 1 with the following:

2 Adjusted Threshold Limit. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than [~~\$1,500,000~~] **\$1,759,512**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

3 Adjusted Threshold Limit. Amend RSA 151-C:5, II(f) to read as follows:

(f) The construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than [~~\$1,000,000~~] **\$1,173,008**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

4 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill extends the reporting date of the committee studying ambulatory surgical facilities.

This bill also clarifies the threshold amount to be used in calculating the adjusted threshold amount for certain new facilities under RSA 151-C.

**HB 1145**, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. **OUGHT TO PASS WITH AMENDMENT**

Rep. James W. Craig for Judiciary: This bill provides immunity to state certified fire instructors employed by nonprofit fire departments or emergency medical service units from civil liability brought on the basis of any act or omission occurring during the instruction which results in damage or injury to any person. The committee was concerned that this immunity be very narrow and so the bill requires that the curriculum taught be approved by the Division of Fire Standards and Training, the instructor act in good faith and within the scope of his or her official functions and duties as an instructor and that he or she not act in a willful, wanton, or grossly negligent manner. Vote 12-0.

#### **Amendment (3898h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** limiting the liability of state certified fire instructors.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Liability of State Certified Fire Instructors. Amend RSA 21-P by inserting after section 12-a the following new section:

21-P:12-b Liability Limited; State Certified Fire Instructors.

I. Any person who is a state certified fire instructor employed by a nonprofit fire department or emergency medical service unit shall be immune from civil liability in any action brought on the basis of any act or omission during training which results in damage or injury to any person if:

(a) The instructor had prior written approval from the division, to teach a curriculum approved by the fire standards and training commission;

(b) The instructor was acting in good faith and within the scope of the instructor's official functions and duties as an instructor; and

(c) The damage or injury was not caused by willful, wanton, or grossly negligent misconduct by the instructor.

II. In this section:

(a) "Damage or injury" includes physical, nonphysical, economic and noneconomic damage and property damage.

(b) "Nonprofit fire department" shall include, but not be limited to, not for profit fire service organizations exempt from taxation under section 501(c) of the Internal Revenue Code of 1986 organized or incorporated in this state.

(c) "State certified fire instructor" means a person who has completed the requirements to hold such certification as approved by the New Hampshire fire standards and training commission.

2 Effective Date. This act shall take effect January 1, 2001.

#### **AMENDED ANALYSIS**

This bill limits the liability of state certified fire instructors for personal injuries and civil damages resulting from acts or omissions during training.

**HB 1190-FN**, requiring that fiscal notes specify the exact amount of the fiscal impact. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Legislative Administration: The committee felt that this bill had a contradiction that would make it unworkable. There is some concern that the fiscal notes on bills may not accurately reflect the fiscal impact of the bill. The fiscal impact, as outlined in statute, is an estimate and it may be difficult to obtain the exact cost in time for action by the first committee. As the bill passes from a committee to the floor, to another committee or the other chamber, the fiscal note is updated and is available in the clerk's office. An exact financial impact would be impossible to obtain. Vote 13-0.

**HB 1248**, relative to the out-of-state travel budget for house members. **INEXPEDIENT TO LEGISLATE**

Rep. Gene G. Chandler for Legislative Administration: If enacted, this bill would limit the amount of money any House member could utilize for out of state travel to just \$2,000 in any one biennium and change the method of determining who controls the funds and how the funds are utilized. Only one person spoke in favor of this legislation and the committee felt that there are cases where



it is important to the state and the legislature for legislators to attend out of state conferences. It is always easy to target travel budgets, but the information gained at these conferences is very useful to the legislature and the state. Vote 13-1.

**HB 1447**, establishing a legislative oversight committee on judicial conduct. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee Lozeau for Legislative Administration: The committee felt that the existing checks and balances relative to oversight of the judiciary are appropriate. As elected officials and the public continue to discuss the issues as they relate to the judicial branch changes will continue to be made by the judiciary. The decision made by the judicial branch to make information about hearings public is a major first step in the quest for public accountability. Vote 13-0.

**HB 1596**, establishing a committee to study deadlines for the completion of work in the legislative process. **INEXPEDIENT TO LEGISLATE**

Rep. Mary Lou Nowe for Legislative Administration: The committee voted inexpedient to legislate because it feels that this subject is best left to each body. With the dynamics of the legislature, the rules for legislative deadlines is best left to the house rules, the senate rules and joint rules. With this process, each chamber will determine their own pace. Members of each body will have an opportunity to have input into the development of their rules during the public hearings and in the chambers when the rules are adopted. Vote 14-0.

**HB 1597**, relative to passage of fiscal note bills which do not contain an accompanying fiscal analysis. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Legislative Administration: This bill would require a separate vote of the house or senate on FN bills if the bill being voted upon does not have a completed fiscal note. At the printing of the bills, the complete fiscal information may not be available. As the bill proceeds through the process, the fiscal note is updated and is available from the clerk's office. The committee feels that the committee report or "blurb" would be the proper place to give notice of the fiscal impact of the bill. Some policy committees do not have the information available to them when the bills leave the committee. Most bills requiring a fiscal note are sent to the Finance Committee. This committee is charged with providing the fiscal effect of the bill. When the bill is voted on, after the finance committee action, this will constitute a second vote and this vote, now in place, follows a logical sequence. Vote 15-0.

**HB 1144-L**, relative to the property tax exemption of not-for-profit hospitals. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require the legislative bodies of towns, cities and districts to authorize the tax exemption for not-for-profit hospitals at least every three years. Testimony revealed there is a wide discrepancy in the percentage of services which hospitals contribute for charitable purposes. The amendment established a committee to study the exemption from property taxes for not-for-profit hospitals. Vote 15-0.

**Amendment (3850h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the exemption from property taxes for not-for-profit hospitals.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house.

(b) Five members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the exemption from property taxes for not-for-profit hospitals, including the process for review of their status by municipalities.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house



member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Six members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2001.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes a committee to study the exemption from property taxes for not-for-profit hospitals.

**HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. **OUGHT TO PASS WITH AMENDMENT**

Rep. Anthony F. Simon for Municipal and County Government: This bill represents the culmination of many years of work to establish, statutorily, the framework for a statewide policy of proper growth and development that protects that which is unique about this state. It directs the Office of State Planning to foster "smart growth", defines that term, requires state agencies to give due consideration to this policy when expending state or federal funds to accomplish projects, establishes gubernatorial oversight over state agency actions in this area and enacts an annual reporting procedure for the council on resources and development. Vote 11-3.

### Amendment (3766h)

Amend the bill by replacing all after the enacting clause with the following:

1 Office of State Planning; Duties. Amend RSA 4-C:1, II(c) to read as follows:

(c) Encourage and assist planning, growth management and development activities of cities and towns and groups of cities and towns *with the purpose of encouraging smart growth*.

2 Office of State Planning; Duties. Amend RSA 4-C:1, II(j) to read as follows:

(j) *Take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers.*

(k) Perform such other duties as the governor may assign.

3 New Subparagraph; Office of State Planning; Coordination. Amend RSA 4-C:6, I by inserting after subparagraph (i) the following new subparagraph:

(j) Smart growth.

4 Office of State Planning; Reports. Amend RSA 4-C:6-a, I(c) to read as follows:

(c) The environmental impact *and smart growth impact* of the program.

5 New Subparagraph; State Development Plan. Amend RSA 9-A:1, III by inserting after subparagraph (c) the following new subparagraph:

(d) Policies to protect and preserve farmland and open space land and to maximize smart growth.

6 New Chapter; State Economic Growth, Resource Protection, and Planning Policy. Amend RSA by inserting after RSA 9-A the following new chapter:

#### CHAPTER 9-B

#### STATE ECONOMIC GROWTH, RESOURCE PROTECTION, AND PLANNING POLICY

9-B:1 Findings. The general court finds that:

I. In addition to clean water and air, productive mountain, forest and agricultural open space land is among the state's most valuable assets, and is necessary for the economy and health and welfare of the citizens. The maintenance of this asset is vital if the state is to provide future generations with the same quality of life and environment that we have traditionally enjoyed.

II. Economic development is essential to the well-being and prosperity of our citizens. However, when haphazard development sprawls across the state's landscape, our collective well-being suffers. Fortunately, economic development can take place in a form that maximizes smart growth.

III. The state can encourage development in accordance with this chapter by regularly reviewing its operating procedures, granting policies, and regulatory framework.

IV. A coordinated and comprehensive planning effort by state agencies on future development in the state is needed, which will not only improve our economy, but also encourages smart growth by locating development in appropriate growth areas and thus retaining as much open space land as possible for the long-term.

9-B:2 Policy. It shall be the policy of the state of New Hampshire that state agencies act in ways that encourage smart growth.

9-B:3 Definition. In this chapter, "smart growth" means the control of haphazard and unplanned development and the use of land which results over time, in the inflation of the amount of land used per unit of human development, and of the degree of dispersal between such land areas. "Smart growth" also means the development and use of land in such a manner that its physical, visual, or audible consequences are appropriate to the traditional and historic New Hampshire landscape. Smart growth may include denser development of existing communities, encouragement of mixed uses in such communities, the protection of villages, and planning so as to create ease of movement within and among communities. Smart growth preserves the integrity of open space in agricultural, forested, and undeveloped areas. The results of smart growth may include, but shall not be limited to:

- I. Vibrant commercial activity within cities and towns.
- II. Strong sense of community identity.
- III. Adherence to traditional settlement patterns when siting municipal and public buildings and services.
- IV. Ample alternate transportation modes.
- V. Uncongested roads.
- VI. Decreased water and air pollution.
- VII. Clean aquifer recharge areas.
- VIII. Viable wildlife habitat.
- IX. Attractive views of the landscape.
- X. Preservation of historic village centers.

9-B:4 Expenditure of State or Federal Funds. All state agencies shall give due consideration to the state's policy on smart growth under RSA 9-B:2 when providing advice or expending state or federal funds, for their own use or as pass-through grants, for public works, transportation, or major capital improvement projects, and for the construction, rental, or lease of facilities. The intent of this action is that new investments and grants for existing sites and buildings in existing community centers will be given preference over investments in outlying areas where that is a practical solution for the use and community in question.

9-B:5 Procedures for Review. The governor shall review actions taken by state agencies relative to the provisions of RSA 9-B:4 to ensure compliance with this chapter. The governor shall establish procedures for review no later than December 1, 2000.

9-B:6 Report to the General Court and the Governor. By October 1 of each year, beginning in the year 2000, the council on resources and development, established in RSA 162-C, shall report to the general court and the governor on the following:

- I. Progress by state agencies in complying with the expenditure requirements under RSA 9-B:4.
- II. Progress by the state agencies represented on the council in coordinating the activities to encourage smart growth.
- III. Efforts made to encourage development in accordance with this chapter by regular review of state operating procedures, granting policies, and regulatory framework.

IV. Suggested policy changes or legislation that the council believes would strengthen the state's ability to achieve the smart growth goal of RSA 9-B:2.

7 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, I to read as follows:

I. Consult upon common problems in the fields of environmental protection, natural resources, and growth management *including the encouragement of smart growth*;

8 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, V to read as follows:

V. Resolve differences or conflicts concerning development [or], resource management, *or the encouragement of smart growth* which result from the work of any agency represented on the council in developing policies, plans, or programs. The council shall investigate; if possible, resolve the problem; and if appropriate, submit its recommendations to the governor and council or to the general court. If investigation by the council shows that the laws and rules of an agency represented on the council are in conflict with those of another agency, the council shall submit a report with recommendations to the governor and council or to the general court;

9 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, VII and VIII to read as follows:

VII. Review the disposal of state owned real property pursuant to RSA 4:40; [and]

VIII. Provide oversight relative to the statewide public boat access program, work with the public water access advisory board and provide recommendations to the governor and executive council regarding public access; *and*

***IX. Complete the annual smart growth report required under RSA 9-B:6.***

10 Effective Date. This act shall take effect 60 days after its passage.

**HB 1294-L**, relative to regional planning commissions. OUGHT TO PASS WITH AMENDMENT Rep. Anthony F. Simon for Municipal and County Government: This bill makes several, largely technical, changes to the regional planning commission statute. The amendment was developed by the Committee in response to concerns that were expressed about the original bill. As amended, the bill recognizes that regional planning commissions are political subdivisions of the state but limits their power to that expressly allowed by statute. It clarifies that the commissions may establish lines of credit and incur short-term debt secured by their assets. It also provides a procedure for changing the boundaries of regions, gives the director of motor vehicles the authority to issue permanent number plates to commission vehicles and encourages consultation between commissions and agencies and institutions operating within their region. Vote 15-0.

#### **Amendment (3790h)**

Amend the bill by replacing sections 2-4 with the following:

2 Regional Planning Commissions; Purposes. Amend RSA 36:45 to read as follows:

36:45 Purposes. The purpose of this subdivision shall be to enable municipalities and counties to join in the formation of regional planning commissions whose duty it shall be to prepare a co-ordinated plan for the development of a region, taking into account present and future needs with a view toward encouraging the most appropriate use of land, such as for agriculture, forestry, industry, commerce, and housing; the facilitation of transportation and communication; the proper and economic location of public utilities and services; the development of adequate recreational areas; the promotion of good civic design; and the wise and efficient expenditure of public funds. The aforesaid plan shall be made in order to promote the health, safety, morals and general welfare of the region and its inhabitants. To promote these purposes the office of state planning shall delineate planning regions for the state so that each municipality of the state will fall within a delineated region and shall have the opportunity of forming or joining the regional planning commission for that planning region. In determining these regions the office shall consider such factors as community of interest and homogeneity, existing metropolitan and regional planning agencies, patterns of communication and transportation, geographic features and natural boundaries, extent of urban development, relevancy of the region for provision of governmental services and functions and its use for administering state and federal programs, the existence of physical, social and economic problems of a regional character, and other related characteristics. To accommodate changing conditions, the office may adjust the boundaries of the planning regions, *after consultation with the respective regional planning commissions*.

3 Formation of Regional Planning Commissions; Representation of Not-For-Profit Agencies and Institutions. Amend RSA 36:46, III to read as follows:

III. Each municipality which shall become a member of a regional planning commission shall be entitled to 2 representatives on said commission. A municipality with a population of over 10,000 but less than 25,000 shall be entitled to have 3 representatives on said commission and a municipality with a population of over 25,000 shall be entitled to have 4 representatives on said commission. Population as set forth in this section shall be deemed to be determined by the last federal census. Representatives to a regional planning commission shall be nominated by the planning board of each municipality from the residents thereof and shall be appointed by the municipal officers of each municipality. Representatives may be elected or appointed officials of the municipality or county. In any county or counties in which a regional planning commission has been formed, the county may, by resolution of its county commissioners, become a member of said regional planning commission and shall be entitled to appoint 2 representatives on said commission. The terms of office of members of a regional planning commission shall be for 4 years, but initial appointments shall be for 2 and 4 years. In municipalities entitled to 3 or more representatives, initial



appointment shall be for 2, 3 and 4 years. Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments. Municipalities and counties may also appoint alternate representatives. A representative to a regional planning commission shall, when acting within the scope of his official duties and authority, be deemed to be acting as an agent of both the regional planning commission and of the municipality or county which he represents. *In addition, regional planning commissions are encouraged to, at their discretion, consult with agencies and institutions operating within the region whose activities influence planning and development in that region.*

4 Regional Planning Commissions; Finances. Amend RSA 36:49 to read as follows:

36:49 Finances. A regional planning commission shall determine on a reasonable and equitable basis the proportion of its costs to be borne respectively by each municipality or county which is a member of said commission. A commission may accept and receive in furtherance of its functions, funds, grants, and services from the federal government or its agencies, from departments, agencies and instrumentalities of state, municipal or local government or from private and civic sources. Such funds may be used in conjunction with other funds from federal or state governments or from gifts, grants or contributions available for such work. Municipalities or counties are hereby authorized to appropriate funds to the use of a regional planning commission and to furnish a regional planning commission legal or other services which it may deem reasonable. Failure upon the part of any municipality or county to pay its proportionate annual share of the cost as determined by a regional planning commission shall constitute a termination of such municipality's or county's vote in the commission's affairs until such annual share is paid. Municipalities or counties are hereby authorized to enter into contracts with a regional planning commission for the furnishing of funds or services in connection with the preparation of a comprehensive regional master plan and any special planning work to be done by a regional planning commission for any member municipality or county. Within the amounts appropriated to it or placed at its disposal by gift, grant, or contribution, a regional planning commission may engage employees, contract with professional consultants, rent offices, and obtain such other goods, or services *and incur short-term operating debt, not to exceed a term of one year and/or a line of credit secured by the assets of the commission*, as are necessary to it in the carrying out of its proper function. *Member municipalities and counties shall not be liable for any debt or line of credit incurred by a regional planning commission.* Any private gifts or funds when received shall be deemed a contribution to the regional planning commission for a public purpose within the meaning of any federal or state laws relative to tax exemptions.

Amend the bill by replacing section 6 with the following:

6 New Section; Regional Planning Commissions; Status as Governmental Units. Amend RSA 36 by inserting after section 49 the following new section:

36:49-a Status As A Political Subdivision. Regional planning commissions are political subdivisions of the state. However, regional planning commissions have only that power and authority expressly provided for in RSA 36.

Amend the bill by inserting after section 6 the following and renumbering the original sections 7 and 8 to read as 8 and 9, respectively:

7 Motor Vehicles; Registration and Plates of Publicly Owned Vehicles. Amend RSA 261:92 to read as follows:

261:92 Publicly Owned Vehicles; Nonprofit Corporations. The director shall have the authority to prescribe special rules relative to registration of vehicles owned and driven by the government of the United States, the state, or by any county, city, town, *regional planning commission*, school district, volunteer fire department, eligible nonprofit corporation operating transportation under contract with the department of transportation for the public or for elderly or disabled persons, or public or private educational institution used for the purpose of student driver training, and may issue permanent number plates for such vehicles. Said vehicles displaying said number plates shall be deemed to be properly registered under the provisions of this title and may be driven upon the ways of the state without further registration or subsequent number plates.

#### AMENDED ANALYSIS

This bill:

I. Retitles the chapter concerning regional planning commissions.



II. Provides that the office of state planning may adjust the boundaries of planning regions after consultation with the respective regional planning commissions.

III. Encourages consultation by regional planning commissions with agencies and institutions.

IV. Provides that regional planning commissions shall have status as political subdivisions of the state.

V. Allows regional planning commissions to borrow funds and establish lines of credit.

VI. Repeals the authority of regional planning commissions to provide assistance to urban renewal projects or blight removal activities.

VII. Gives the director of the division of motor vehicles the authority to prescribe special rules relative to registration of vehicles owned by regional planning commissions and issue permanent number plates for such vehicles.

**HB 1563-FN-L**, establishing the Wolfeboro Airport Authority. OUGHT TO PASS WITH AMENDMENT

Rep. Betsey L. Patten for Municipal and County Government: In Chapter 111 (HB 241) Laws of 1989 the General Court recognized that the public interest was served by the acquisition of privately owned airports either by gift or by purchase to protect their future operation as airports. As part of this policy the State was given a "Right of First refusal" to acquire any airport within the State offered for sale. The Wolfeboro Airport issue is a complicated emotional and financial issue between the current landowner and the State. A court case to resolve the dispute over the control of the present airport land is pending. Regardless of the outcome of that suit, an airport authority needs to be created in order to preserve the airport and to be eligible for Federal aviation funds to upgrade the runway. The Municipal and County Government Committee values the need for preserving small airports and worked with the sponsor to balance the needs of the landowners, investors, town and State. Two well-attended public informational meetings were held in Wolfeboro. The Board of Selectmen voted unanimously in favor of establishing the airport authority, and a record 48% voter turnout at town meeting on March 13, 2000 voted by the overwhelming margin of 78% to 22% to establish the airport authority. These votes show the strong commitment of the town of Wolfeboro to its aviation. The amendment, which replaces the whole bill, addresses concerns stated during the 4+ hour public hearing held by the Municipal and County Government Committee. The maintenance of the Wolfeboro (8B8) airport only, the requirement to comply with Wolfeboro's land use regulations and requiring a mandated member from the Board of Selectmen on the authority were addressed. The Committee's concern of a private "veto" power over a public entity was resolved by involving Wolfeboro's Board of Selectmen in the approval and appointment of the members of the authority and with the Commissioner of the Department of Transportation initially appointing two members. The overwhelming majority of the Municipal and County Government Committee voted Ought to Pass with amendment to further support the preservation of aviation in New Hampshire. Vote 14-1.

**Amendment (3845h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Incorporation. The Wolfeboro Airport Authority, hereinafter referred to as the "Authority" is hereby incorporated as a body politic with the powers and privileges herein provided. Said Authority is a body politic separate and distinct from, and is not a subordinate body of, the town of Wolfeboro, or its boards, commissions, agencies or authorities.

2 Declaration of Purpose. The establishment and maintenance of the airport authorized in section 4 of this act is declared to be for public purposes as an aid to national and state defense, and for the convenience and benefit of the public. The Authority shall be regarded as performing a governmental function in carrying out the provisions of these articles.

3 Powers. The Authority shall have the power:

I. To sue and be sued.

II. To select and have a seal. The seal of the Authority shall be the form of a circle and shall bear the name of the Authority, the year of its organization, and the words "Wolfeboro Airport Authority, State of New Hampshire."

III. To adopt bylaws consistent with the state and federal law, for the conduct of its business.

IV. To acquire, hold, lease and dispose of, in any manner other than by eminent domain, real and personal property deemed necessary or desirable for its purposes.

V. To construct, maintain, reconstruct, improve, operate and manage the "airport" described herein.

VI. To accept loans and grants, and the cooperation of the United States of America, the state of New Hampshire, or any agencies thereof, and private investors, in the purchase, lease, construction, maintenance, reconstruction, improvement, and operation of the airport, and to do any and all things necessary in order to avail itself of such aid and cooperation. The Authority is specifically authorized to enter into agreements with the federal government and the state of New Hampshire, through its various agencies, and private investors, relative to the purchase, lease, construction, maintenance, reconstruction, and improvement of the airport and its operation after completion.

VII. To prescribe and publish rules and regulations governing the use and operation of the airport

VIII. To levy and collect reasonable fees, not prohibited by law, for use of the airport and its facilities.

IX. To grant leases of the facilities of the airport for reasonable periods of time.

X. To employ such assistants, agents and servants, professional, technical, or otherwise, as it shall deem necessary or desirable for its purposes, and fix their compensation.

XI. To do all other lawful acts necessary and incidental to the foregoing powers.

4 Establishment and Operation of the Airport. The Authority is hereby authorized to establish and maintain an airport (8B8) in the town of Wolfeboro, and in connection therewith and as a part thereof, to establish and maintain auxiliary landing places and facilities contiguous to Lake Winnepesaukee.

5 Limitation of Powers. The Authority shall have no power to commit the state of New Hampshire nor any of its political subdivisions, including the town of Wolfeboro or any board, commission, agency or authority thereof, to any obligation or liability whatsoever, nor shall it have the power to encumber any state real estate, except in pursuance of the authority contained in section 3, paragraphs IV or IX of this act. The Authority shall be subject to, and shall comply with, the provisions of the Wolfeboro zoning ordinance and any applicable regulations of the Wolfeboro Planning Board, including those for site review.

6 Exemptions From Taxes, Levies, and Executions. All property, real or personal, and rights used or acquired by the Authority in the town of Wolfeboro or elsewhere, and used and occupied for an airport and auxiliary landing places and facilities shall be exempt from all taxation, except for property which is leased to other taxable entities.

7 Revenue and Funding. The net revenue of the Authority shall be held and invested by it exclusively for the purpose of the future maintenance, operation, and improvement of said airport. All funds to be used for the acquisition, maintenance, operation and improvement of the airport and auxiliary landing places and facilities shall come from federal, state and private airport and airways funding sources, and not from the revenues of the town of Wolfeboro.

8 Financial Aid. The Authority is authorized to make conveyances and appropriations for the use of the airport and auxiliary landing places and facilities. All contributions and appropriations made prior to the effective date of this act by the Authority for the establishment of the airport and auxiliary landing places and facilities, as authorized in these articles, are hereby ratified.

9 Repayment of Initial Investment. The Authority shall give priority to the repayment of any monies advanced by private individuals toward the acquisition of the airport.

10 Membership of the Authority.

I. A member of the board of selectmen of the town of Wolfeboro shall constitute the mandated member of the authority. The selectmen member, together with 6 residents of the town of Wolfeboro nominated, approved and confirmed as hereinafter provided, shall constitute the Authority, and shall be vested with all the powers and charged with all the duties hereinafter granted to and imposed upon the Authority.

II. The mandated member of the authority shall appoint, with the approval of the board of selectmen, one member who has advanced money toward the acquisition of the airport. Three members shall be nominated by those private individuals who have advanced money toward the acquisition of the airport, and shall be approved and appointed by the board of selectmen. Two members shall be appointed by the commissioner of the department of transportation. The members of the Authority shall be nominated and appointed prior to any state acquisition of the airport and transfer to the Authority. Authority members shall serve for 3-year terms and until their successors are appointed. However, upon the initial formation of the Authority, 2 of the members shall

serve for a period of 4 years, 2 of the members shall serve for a period of 3 years, and 2 of the members shall serve for a period of 2 years. Successor members shall be elected by the Authority.

III. After public hearing, any of the members of the Authority may be removed by a majority vote of the Authority members upon written findings of cause, including but not limited to inefficiency, neglect of duty, or malfeasance.

IV. Except for the mandated member, no person shall be eligible for membership of the Authority who at the time of the appointment of such member holds any remunerative public office or position or any employment for compensation (except as an independent contractor) with the United States, the state of New Hampshire, or any political subdivision of either.

11 Compensation. No member of the Authority shall receive any compensation for services. Each member of the Authority shall be reimbursed for actual necessary traveling and other expenses incurred in the performance of the member's duties, payable exclusively out of funds of the Authority available therefor. No member of the Authority shall be allowed any other fees, perquisites, or emoluments, reward, or compensation for services as a member of the Authority.

12 Vacancies. Any vacancies which occurs in the membership of the Authority shall be filled for the remainder of the term in the manner provided in section 10 of this act, as applicable.

13 Officers; Action by Majority. The Authority shall elect annually from its membership a chairperson, vice-chairperson, clerk and treasurer and prescribe their duties. The treasurer shall be the financial agent of the Authority and shall furnish such bond, payable to the Authority, as the Authority shall determine for the faithful performance of the duties of the office. The concurrence of a majority of the membership of the Authority shall be necessary to constitute action by the Authority.

14 Audits and Reports. All financial transactions of the Authority shall be independently audited annually and at such other times and in such manner as the Authority shall determine. The Authority shall make an annual report of its financial and other transactions for the preceding calendar year. This report shall be open for inspection by the public and by the private investors.

15 Civil Liability; Indemnification. No member of the Authority shall incur personal or individual liability for any actions taken in good faith as a member of the Authority. Further, the Authority shall indemnify and save any member harmless from any loss, claim or damages suffered as a result of any vote or action taken in good faith as a member of the Authority, including but not limited to personal financial loss and expenses, such as reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment arising from the good faith execution of his or her duties as a member of the Authority.

16 Penalties. Any violation of the published rules, ordinances and regulations of the Authority relating to the airport, and any refusal or neglect to pay lawfully prescribed fees for the use of the airport or its facilities, shall be a class B misdemeanor, provided, however, that nothing contained in this section shall be construed as a limitation upon the civil rights of the Authority.

17 Severability. If any provision of these articles, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of these articles which can be given effect without the invalid provisions or applications, and to this end the provisions of these articles are severable.

18 Effective Date. This act shall take effect upon its passage.

**HB 1622-L**, relative to budget information in town reports in towns which have adopted the official ballot referenda form of meeting **OUGHT TO PASS WITH AMENDMENT**

Rep. Priscilla P. Lockwood for Municipal and County Government: Current law requires that deputy town clerks, like the clerks themselves, reside in the town where they are in office. Due to labor shortages, lowered interest in public service and the increasing need for specialized skills, there are currently 41 towns which have non-resident deputy clerks in violation of State law. This creates a potentially huge legal problem for every one of those towns. This bill legalizes those 41 deputy clerks, but doesn't permit non-resident deputies to serve as acting clerks in elections and election-related matters. The New Hampshire Municipal Association supports this amendment which was drafted with the assistance of the Secretary of State. Vote 17-0.

#### **Amendment (3929h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** eliminating the requirement that a deputy town clerk have his or her domicile within the town.



Amend the bill by replacing all after the enacting clause with the following:

1 Town Officers; Deputy Town Clerk; Town Domicile Not Required. Amend RSA 41:18 to read as follows:

41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk, *except that the deputy town clerk need not have his or her domicile in the town*, and who shall perform all the duties of the town clerk in case of his *or her* absence by sickness, resignation, or otherwise. A deputy town clerk appointed hereunder shall be appointed by the elected town clerk with the approval of the selectmen.

2 Filling of Vacancies in the Office of Town Clerk; Towns With Non-domiciled Deputy Town Clerk. Amend RSA 669:65 to read as follows:

669:65 Town Clerk. Vacancies in the office of town clerk shall be filled by appointment made by the selectmen except in towns in which pursuant to RSA 41:18 the selectmen have previously appointed a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual town election. *In any town with a deputy town clerk who is not domiciled in the town, the selectmen shall appoint a qualified town clerk within 30 days of the vacancy, or if any election is scheduled within 30 days of the vacancy, the selectmen shall appoint a qualified town clerk at least 24 hours before the election.*

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill eliminates the requirement that a deputy town clerk have his or her domicile within the town. This bill also provides that in any town with a non-domiciled deputy town clerk, if a vacancy appears in the office of town clerk, the selectmen shall appoint a qualified town clerk within 30 days of the vacancy, or if any election is scheduled within 30 days of the vacancy, the selectmen shall appoint a qualified town clerk at least 24 hours before the election.

**SB 333**, relative to signs for churches. **OUGHT TO PASS**

Rep. Bernard J. Raynowska for Public Works and Highways: The bill provides for directional signs along state highways for churches. The Department of Transportation supported the bill. Vote 17-0.

**HB 1209**, restricting construction of class B and class C dams. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael W. Downing for Resources, Recreation and Development: This bill as amended provides a definition of reconstruction relative to Class B and C dams. It would allow the reconstruction of existing B and C dams to insure deficiencies are corrected and the public risk minimized. The bill further recognizes the potential public risk class B and C dams pose and addresses any future construction of new class B and C dams to ensure they provide a public benefit of water supply; flood control; storage and treatment of industrial agricultural, commercial or municipal wastes; hydropower; public recreation; or preservation of historic or cultural resources. Vote 13-3.

### Amendment (3331h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the construction and reconstruction of class B and class C dams.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Dams, Mills, and Flowage; Definitions; Definition of "Reconstruction" Added. Amend RSA 482:2 by inserting after paragraph IX the following new paragraph:

X. "Reconstruction" means:

- (a) A change in the height, length, or discharge capacity of the structure;
- (b) Restoring a breached dam or one in ruins;
- (c) Modification of flashboards which either increases their height or increases the headwater elevation at which the flashboards will fail; or
- (d) A change in the structural configuration of a dam.

2 New Paragraph; Dams, Mills, and Flowage; Erection and Inspection of Dams; Preliminary Filing of Information Amended. Amend RSA 482:9 by inserting after paragraph IV the following new paragraph:

V. The department shall not permit the construction or reconstruction of any class B or class C dam unless:



(a) The dam provides a public benefit of water supply, flood control, storage or treatment of industrial, agricultural, commercial, or municipal wastes, hydropower, public recreation, or preservation of historic or cultural resources; or

(b) The reconstruction is ordered by the department to correct a deficiency identified by the department.

3 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill inserts a definition of "reconstruction" relative to class B and class C dams and provides that the department of environmental services shall not permit the construction or reconstruction of any class B or class C dam unless the dam provides a public benefit of water supply; flood control; storage and treatment of industrial, agricultural, commercial, or municipal wastes; hydropower; public recreation; or preservation of historic or cultural resources.

**SB 331**, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation. **OUGHT TO PASS**  
Rep. Michael W. Downing for Resources, Recreation and Development: This bill directs the Department of Environmental Services (DES) and the Public Utilities Commission (PUC) to prepare a report as to whether regulatory structures for water utilities encourage or discourage regional cooperation for water resources management, and water conservation by June 30, 2001. Issues such as regionalization, interconnections, bond guarantees, zoning policies, wholesale purchase of water and water rates and franchise area have been discussed in at least 12 previous studies going back to 1952. The report, hopefully, will evaluate existing regulatory practices in order to make recommendations that could be the subject of future legislation. Vote 16-0.

**SB 381-FN**, relative to registration fees for off-highway recreation vehicles. **OUGHT TO PASS**  
Rep. William E. Roberts for Resources, Recreation and Development: This bill will do much for the snowmobile clubs of the State of New Hampshire. These clubs take care of grooming the snowmobile trails of the state. Snowmobile clubs also donate thousands of hours of labor, material, and equipment for this purpose. With this grooming, the trails are kept in great condition for all the users and adds to the economics of the state. This bill allows owners of OHRV trails maintenance vehicles to register these vehicles at a rate of \$5.00 each per year. Vote 16-0.

**HB 1107**, establishing a committee to study whether the public utilities commission should regulate Internet service providers. **OUGHT TO PASS WITH AMENDMENT**  
Rep. John H. Thomas for Science, Technology and Energy: The sponsor originally introduced the bill as including a committee to study whether the Public Utility Commission (PUC) should regulate Internet service. The sponsor agreed with the committee that this could be taken up by the Joint Oversight Committee on Telecommunications. The committee also added monitoring special contracts, examining non-disclosure issues, monitoring wireless telecommunications facilities deployment, and monitoring ala carte programming as issues for the Oversight Committee. Vote 15-0.

### Amendment (3825h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that it is important for the public utilities commission and other involved parties to expeditiously resolve the existing problem of telephone utility customers being unable to obtain a dial tone due to line use congestion.

2 New Paragraphs; Telephone Utilities Service Territories; Duties of the Oversight Committee.  
Amend RSA 374:22-j, X to read as follows:

*X. Monitoring the issue of special contracts by telephone utilities.*

*XI. Examining the issue of non-disclosure by telecommunications carriers of customer information including information related to services subscribed to by individual customers.*

*XII. Examining the issue of network congestion on facilities and equipment owned by telephone utilities.*

*XIII. Monitoring the progress of the office of state planning in relation to wireless telecommunications facilities.*

*XIV. Monitoring the progress of a la carte programming substitute initiatives to a la carte programming in the cable television industry, and monitoring impacts of television violence on children and initiatives addressing those concerns.*

XV. Submitting a report, together with any recommendations for legislation, to the speaker of the house of representatives, the senate president, and the governor on or before November 1 of each year.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill adds duties to the oversight committee on telecommunications concerning special contracts by telephone utilities, carrier non-disclosure of customer service subscriptions, the issue of network congestion on facilities and equipment owned by telephone utilities, the progress of the office of state planning in relation to wireless telecommunications facilities, and alternatives to a la carte programming in the cable television industry.

**HB 1274**, limiting the services that a cable television operator may require a consumer to purchase as a condition of access to other video programming. **INEXPEDIENT TO LEGISLATE**

Rep. Roy D. Maxfield for Science, Technology and Energy: The FCC delegated authority to local governing bodies to negotiate a basic cable TV package of channels. All other programming is unregulated. The sponsor objected to TV programming that he was required to receive as part of his cable provider's optional services. Testimony from the industry, including a representative from the Discovery Channel Network, testified that bundling of channels allowed them to discount these services to providers. Advertisers and program developers would be severely impacted if they had to sell each channel a-la-carte, and additional costs would be passed along to subscribers. Many options are available to restrict unwanted programming at little or no cost to a subscriber. Vote 14-1.

**HB 1412**, relative to electric customer-generators. **OUGHT TO PASS WITH AMENDMENT**

Rep. Gary R. Gilmore for Science, Technology and Energy: Two years ago the legislature established a net energy metering law which allows individual customers to generate electricity and supply excess energy back to the utility by running the customer's meter backwards. There have been some operational problems installing the necessary equipment and disagreements between customer and a utility. Passage of this bill insured that the PUC will finish the necessary rulemaking to implement net energy metering, and that utilities cannot place additional requirements on customers than standards adopted by the PUC. Vote 15-1.

#### Amendment (3812h)

Amend the bill by replacing all after the enacting clause with the following:

1 Public Utilities; Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA 362-A:9, 1 to read as follows:

I. A standard contract or tariff providing for net energy metering shall be developed and made available to eligible customer-generators by each electric distribution utility within ~~[6 months]~~ **90 days** of the start of retail choice of electric suppliers, **or within 90 days of the final approval of net metering regulations issued by the commission, whichever comes first.** Such tariffs or contracts shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned and operated by eligible customer-generators totals 0.05 percent of the annual peak energy demand distributed by each such utility as determined by the commission from time to time.

2 New Paragraph; Public Utilities; Limited Electrical Energy Producers Act; Net Energy Metering; Equipment Requirements. Amend RSA 362-A:9 by inserting after paragraph VI the following new paragraph:

VII Once the commission has established standards for equipment used by eligible customer-generators, electric distribution utilities shall not require any additional standards or testing for transmission equipment as a condition of net energy metering.

3 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill clarifies the time frame within which electric distribution utilities shall make available to eligible customer-generators a standard contract or tariff for net energy metering. The bill also establishes equipment requirements for transmission of energy by a customer-generator to the electric grid.

**HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. **ought to pass with amendment**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: This House Concurrent Resolution and its amendment level the playing field for banking consumers in New Hampshire. When interstate banks do business in New Hampshire, they should adhere to the laws of New Hampshire and subdivisions of this state. The amendment gives New Hampshire residents more control over their banking interests. Vote 16-0.

**Amendment (3682h)**

Amend the title of the resolution by replacing it with the following:

**A RESOLUTION** requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests.

Amend the resolution by replacing all after the title with the following:

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no certain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the peoples' wishes; and

Whereas, allowing the states to exercise greater control over state-specific banking interests promotes greater efficiency in the administration of banking services at the state and local levels; and

Whereas, the federal government should allow the states to exercise such control over state-specific banking interests; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes"; and

That this application for an amendment to the Constitution is a continuing application in accordance with Article V of the Constitution of the United States; and



That the federal government should allow the states to exercise greater control over state-specific banking interests; and

That the house clerk transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, and each member of the New Hampshire Congressional delegation.

### AMENDED ANALYSIS

This house concurrent resolution requests Congress to propose an amendment to the U. S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes, and urges the federal government to allow the states to exercise greater control over state-specific banking interests.

### **HB 1193-FN**, relative to the penalty for non-moving violations by youth operators. **INEXPEDIENT TO LEGISLATE**

Rep. Sherman A. Packard for Transportation: This subject matter is something the Transportation committee has been working on for over a year. The committee plans to take the summer and work with the Department of Safety and all interested parties on reversing the graduated licensing law and any further work that may be needed in the driver education program. In the interim, the DOS has initiated changes in the administrative rules governing the under 20 license suspension program. As these changes work their way through the system, the Commissioner of the DOS has instructed the Bureau of Hearings not to suspend any licenses for those under 20 years of age for certain violations. The license shall not be suspended under Saf-C 213.03 (a) 1-2-3, and (b) -1, all non-moving violations. In addition, any person under 20 years of age who has held a New Hampshire driver's license for two years and has not had any convictions in that first two years shall not have their license suspended on first offense, but shall be given a warning. Vote 15-0.

### RECONSIDERATION

Having voted on the prevailing side, Rep. Leonard moved that the House reconsider its action whereby it voted **HB 1116-FN**, prohibiting partial-birth abortions Inexpedient to Legislate and spoke in favor.

### MOTION TO LAY ON THE TABLE

Rep. Hager moved that **HB 1116-FN**, prohibiting partial-birth abortions, be laid on the table.

Rep. Wendelboe requested a roll call; sufficiently seconded.

The question being the motion to lay on the table.

### YEAS 171 NAYS 182

#### YEAS 171

#### BELKNAP

Millham, Alida	Pilliod, James	Turner, Robert
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#### CARROLL

Babson, David Jr	Dickinson, Howard	Philbrick, Donald	Sullivan, P Judith
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#### CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	

#### COOS

Davis, Perley	Gallus, John	Glines, Sara	Landers, Dana
Mears, Edgar	Pratt, Leighton		

#### GRAFTON

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Johnson, Gary	Nordgren, Sharon	Scanlan, David
Solow, Martha			



**HILLSBOROUGH**

Ahern, Richard  
 Bergin, Peter  
 Clemons, Jane  
 Daigle, Robert  
 Fenton, James  
 Gagnon, Paul  
 Gorman, Mary  
 Johnson, Lionel  
 Lasky, Bette  
 McCarty, Winston  
 O'Hearn, Jane  
 Thulander, O Alan

Alukonis, David  
 Buckley, Raymond  
 Cote, David  
 Desmarais, Vivian  
 Ford, Nancy  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Keye, Harvey  
 Leishman, Peter  
 Melcher, Harold  
 Peterson, Andrew  
 White, John

Arthur, Rose  
 Burkush, James  
 Cote, Peter  
 Dokmo, Cynthia  
 Foster, Linda  
 Ginsburg, Ruth  
 Hall, Betty  
 Konys, Christine  
 Lozeau, Donnalee  
 Mendenhall, Leslie  
 Sargent, Maxwell  
 Williams, Carol

Belvin, William  
 Calawa, Leon Jr  
 Curran, James  
 Durham, Susan  
 Franks, Suzan  
 Goley, Jeffrey  
 Herman, Richard  
 Kurk, Neal  
 Lynde, Harold  
 Messier, Irene  
 Simon, Anthony

**MERRIMACK**

Anderson, Eric  
 Crosby, Toni  
 Fraser, Marilyn  
 Hoadley, Elizabeth  
 Marshall, Kenneth  
 Potter, Frances  
 Seldin, Gloria  
 Yeaton, Charles

Bouchard, Candace  
 Davis, Francis  
 French, Barbara  
 Jacobson, Alf  
 Maxfield, Roy  
 Reardon, Tara  
 Virtue, Carolyn

Brewster, Richard  
 Feuerstein, Martin  
 Gile, Mary  
 Lockwood, Priscilla  
 Moore, Carol  
 Rodd, Beth  
 Wallin, Jean

Chase, George  
 Fortnam, Janet  
 Hager, Elizabeth  
 Marple, Richard  
 Owen, Derek  
 Rosenfield, Jay  
 Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
 Clark, Vivian  
 Gleason, John  
 Kane, Cecelia  
 O'Keefe, Patricia  
 Shelton, Richard  
 Tufts, J Arthur

Blanchard, MaryAnn  
 Dearborn, Bruce  
 Hutchinson, Karen  
 Kelley, Jane  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Vaughn, Charles

Case, Margaret  
 Dowling, Patricia  
 Hutchinson, Rebecca  
 McKinney, Betsy  
 Sabella, Norma  
 Splaine, James

Clark, Martha  
 Francoeur, Sheila  
 Johnson, Robert  
 Norelli, Terie  
 Schanda, Frank  
 Stone, Joseph

**STRAFFORD**

Bickford, David  
 Dunlap, Patricia  
 Kaen, Naida  
 Lundborn, Raymond  
 Rollo, Michael  
 Taylor, Kathleen  
 Wall, Janet

Brennan, William  
 Estabrook, Iris  
 Keans, Sandra  
 Pelletier, Arthur  
 Smith, Marjorie  
 Twardus, Joseph

DeChane, Marlene  
 Gilmore, Gary  
 Knowles, William  
 Pelletier, Marsha  
 Spang, Judith  
 Vachon, Dennis

Domingo, Baldwin  
 Johnson, Nancy  
 Lent, Donald  
 Rogers, Rose Marie  
 Spear, Barbara  
 Vincent, Francis

**SULLIVAN**

Allison, David  
 Robb-Theroux, Amy

Burling, Peter  
 Tuthill, John

Kibbey, David  
 Wiggins, Celestine

Phinizy, James

**NAYS 182****BELKNAP**

Bartlett, Gordon  
 Holbrook, Robert  
 Rosen, Ralph

Boriso, Thomas  
 Johnson, James  
 Russell, David

Boyce, Robert  
 Lawton, David  
 Thomas, John

Czech, Stanley  
 Rice, Thomas  
 Wendelboe, Francine

**CARROLL**

Bradley, Jeb  
 Lyman, L Randy

Chandler, Gene  
 Mock, Henry

Howard, Godfrey  
 Patten, Betsey

Kenney, Joseph  
 Torressen, Gary

**CHESHIRE**

Avery, Stephen  
 Zerba, Roger

Roberts, William

Rose, William

Royce, H Charles

**COOS**

Guay, Lawrence

Horton, Lynn

Tholl, John Jr

**GRAFTON**Akins, Ralph  
Hall, David  
Mirski, PaulAlger, John  
Harmon, Hobart  
Ward, BrienDudley, Terri  
Hinman, Harry  
Weber, PhilGilman, G Michael  
Marshall, Gene**HILLSBOROUGH**Andrews, Frederick  
Beaupre, Roland  
Chabot, Robert  
Dalianis, Griffin  
Dwyer, Paul Sr  
Fletcher, Richard  
Haley, Robert  
Hunter, Bruce  
LaRose, Richard  
MacGillivray, Jeffrey  
McColgan, Philip Jr  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Vaillancourt, SteveArnold, Thomas Jr  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Dyer, Merton  
Flora, Kathleen  
Hansen, Herbert  
Jean, Claudette  
Lefebvre, Roland  
Martel, Andre  
McDonald, James Sr  
Milligan, Robert  
Murphy, Robert  
Pepino, Leo  
Sarette, John  
Wall, NancyBaroody, Benjamin  
Bruno, Pierre  
Clegg, Robert Jr  
Desrosiers, William  
Emerton, Lawrence  
Gagnon, Eugene  
Herman, Keith  
L'Heureux, Robert  
Leonard, Peter  
Martin, Mary Ellen  
McDonough-Wallace, Alice  
Moran, Edward  
O'Connell, Timothy  
Reeves, Sandra  
Tate, Joan  
White, DonaldBatula, Peter  
Carlson, Donald  
Craig, James  
Drabinowicz, A Theresa  
Fields, Dennis  
Goulet, Maurice  
Holley, Sylvia  
LaPorte, George  
Lessard, Rudy  
McCarthy, William  
McGough, Tim  
Moriarty, Mary  
Ouellette, Dean  
Reidy, Frank  
Turgeon, Roland  
Withee, Dennis**MERRIMACK**Daneault, Gabriel  
Larrabee, David Sr  
Soltani, TonyHess, David  
Leber, William  
St Cyr, GerardKennedy, Richard  
Nichols, Avis  
Whalley, MichaelLanger, Ray  
Poulin, Dave  
Whittemore, James**ROCKINGHAM**Arndt, Janet  
Bridle, Russell  
Cote, Patricia  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, Phyllis  
Langone, John  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Welch, DavidBeaulieu, Jon  
Christie, Andrew Jr  
Cox, Russell  
Flanders, David  
Hamel, Albert  
Kelley, William  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Weyler, KennethBelanger, Ronald  
Cooney, Richard  
Downing, Michael  
Flanders, John Sr  
Henderson, Warren  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Varrell, Thomas  
Whittier, JohnBishop, Franklin  
Corbin, C David  
Fesh, Robert  
Grant, Kenneth  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Weare, Everett  
Zolla, William**STRAFFORD**Berube, Roger  
Heon, Richard  
Woods, PhyllisBrown, George  
McKinley, RobertCallaghan, Frank  
Musler, GeorgeCossette, Larry  
Torr, Franklin**SULLIVAN**Cloutier, John  
Leone, RichardDonovan, Thomas Jr  
Young, David

Flint, Gordon Sr

Jones, Constance

and the motion failed.

The question now being the motion to reconsider.

Reps. Rowe and Phyllis Woods spoke in favor.  
 Reps. Durham and Bouchard spoke against.  
 Rep. Wendelboe requested a roll call; sufficiently seconded.

**YEAS 177 NAYS 182****YEAS 177****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Rice, Thomas
Rosen, Ralph	Wendelboe, Francine		

**CARROLL**

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Torressen, Gary	

**CHESHIRE**

Avery, Stephen	McGuirk, Paul	Roberts, William	Rose, William
Royle, H Charles	Zerba, Roger		

**COOS**

Guay, Lawrence	Tholl, John Jr
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**GRAFTON**

Akins, Ralph	Dudley, Terri	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	Mirski, Paul	Ward, Brien
Weber, Phil			

**HILLSBOROUGH**

Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin	Batula, Peter
Beaupre, Roland	Brundige, Robert	Bruno, Pierre	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Craig, James	Dalianis, Griffin
Daniels, Gary	Desrosiers, William	Drabinowicz, A Theresa	Dwyer, Paul Sr
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Gagnon, Eugene	Gagnon, Paul	Goulet, Maurice	Haley, Robert
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Jean, Loren	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Lefebvre, Roland	Leonard, Peter	Lessard, Rudy
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen	McCarthy, William
McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim
Mercer, Robert	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	O'Connell, Timothy	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sarette, John	Tate, Joan	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	Withee, Dennis	

**MERRIMACK**

Daneault, Gabriel	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Leber, William	Nichols, Avis	Poulin, Dave	Soltani, Tony
St Cyr, Gerard	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew Jr	Cooney, Richard	Corbin, C David
Cote, Patricia	Cox, Russell	DiFruscia, Anthony	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Gibbons, Paul	Grant, Kenneth	Griffin, Mary	Hamel, Albert

Henderson, Warren  
Kelley, William  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Weyler, Kenneth

Johnson, Robert  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Varrell, Thomas  
Zolla, William

Katsakiores, George  
Langley, Jane  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Weare, Everett

Katsakiores, Phyllis  
Langone, John  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Stickney, Nancy  
Welch, David

### STRAFFORD

Berube, Roger  
Heon, Richard  
Woods, Phyllis

Brown, George  
McKinley, Robert

Callaghan, Frank  
Torr, Franklin

Cossette, Larry  
Tsiros, William

### SULLIVAN

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Young, David

Jones, Constance

Leone, Richard

### NAYS 182

### BELKNAP

Millham, Alida  
Turner, Robert

Pilliod, James

Russell, David

Thomas, John

### CARROLL

Babson, David Jr  
Sullivan, P Judith

Bradley, Jeb

Dickinson, Howard

Philbrick, Donald

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Riley, William

Blaisdell, Michael  
Lynch, Margaret  
Pratt, Irene  
Robertson, Timothy

Burnham, Daniel  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

DePecol, Benjamin  
Meador, David  
Richardson, Barbara

### COOS

Davis, Perley  
Landers, Dana

Gallus, John  
Mears, Edgar

Glines, Sara  
Pratt, Leighton

Horton, Lynn

### GRAFTON

Alger, John  
Densmore, Jessica  
Nordgren, Sharon

Almy, Susan  
Guest, Robert  
Scanlan, David

Cobb, John  
Johnson, Gary  
Solow, Martha

Copenhaver, Marion  
Marshall, Gene

### HILLSBOROUGH

Ahern, Richard  
Bergin, Peter  
Carlson, Donald  
Curran, James  
Durham, Susan  
Foster, Linda  
Goley, Jeffrey  
Herman, Richard  
Kurk, Neal  
Lynde, Harold  
Messier, Irene  
Simon, Anthony  
Williams, Carol

Alukonis, David  
Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Dyer, Merton  
Franks, Suzan  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
McCarty, Winston  
O'Hearn, Jane  
Thulander, O Alan

Arthur, Rose  
Burkush, James  
Cote, David  
Desmarais, Vivian  
Fenton, James  
Garrish, Linda  
Haettenschwiller, Alphonse  
Keye, Harvey  
Leishman, Peter  
Melcher, Harold  
Peterson, Andrew  
White, Donald

Belvin, William  
Calawa, Leon Jr  
Cote, Peter  
Dokmo, Cynthia  
Ford, Nancy  
Ginsburg, Ruth  
Hall, Betty  
Konys, Christine  
Lozeau, Donnalee  
Mendenhall, Leslie  
Sargent, Maxwell  
White, John



**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	Seldin, Gloria	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
Clark, Vivian	Dalrymple, Janeen	Dearborn, Bruce	Dowling, Patricia
Francoeur, Sheila	Gleason, John	Hutchinson, Karen	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	McKinney, Betsy	Norelli, Terie
O'Keefe, Patricia	Pitts, Jacqueline	Sabella, Norma	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Tufts, J Arthur	Vaughn, Charles	Whittier, John	

**STRAFFORD**

Bickford, David	Brennan, William	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Lundborn, Raymond	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Flint, Gordon Sr	Kibbey, David
Phinizy, James	Tuthill, John	Wiggins, Celestine	

and reconsideration failed.

Reps. Dalrymple and Donald White voted Nay and intended to vote Yea.

Rep. Brothers did not vote and wished to be recorded in favor.

**REGULAR CALENDAR**

**HB 1293**, relative to same-sex marriages contracted outside of the state of New Hampshire. **IN-EXPEDIENT TO LEGISLATE**

Rep. David A. Bickford for Children and Family Law: The committee decided the bill is unnecessary at this time because our current statutes make same sex marriage illegal nor is it legal in any other state. Vote 9-5.

Reps. Nancy Wall and Kennedy spoke against.

Reps. Gary Johnson and Irene Pratt spoke in favor.

Rep. Torressen spoke against and yielded to questions.

Rep. Bickford spoke in favor and yielded to questions.

Rep. Torressen requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 232 NAYS 128****YEAS 232****BELKNAP**

Millham, Alida	Pilliod, James	Rice, Thomas	Russell, David
Thomas, John			

**CARROLL**

Babson, David Jr	Dickinson, Howard	Mock, Henry	Sullivan, P Judith
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**CHESHIRE**

Batchelder, Robert  
 Lerandeau, Alfred  
 Meader, David  
 Richardson, Barbara  
 Russell, Ronald

Blaisdell, Michael  
 Lynch, Margaret  
 Mitchell, McKim  
 Riley, William  
 Zerba, Roger

Burnham, Daniel  
 Lynott, Margaret  
 Pratt, Irene  
 Robertson, Timothy

DePecol, Benjamin  
 McGuirk, Paul  
 Pratt, John  
 Royce, H Charles

**COOS**

Davis, Perley  
 Horton, Lynn

Gallus, John  
 Landers, Dana

Glins, Sara  
 Mears, Edgar

Guay, Lawrence  
 Pratt, Leighton

**GRAFTON**

Akins, Ralph  
 Guest, Robert  
 Nordgren, Sharon

Almy, Susan  
 Ham, Bonnie  
 Solow, Martha

Copenhaver, Marion  
 Johnson, Gary

Densmore, Jessica  
 Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
 Baroody, Benjamin  
 Calawa, Leon Jr  
 Cote, David  
 Daigle, Robert  
 Durham, Susan  
 Fields, Dennis  
 Gagnon, Paul  
 Gorman, Mary  
 Hansen, Herbert  
 Keye, Harvey  
 Lasky, Bette  
 Lessard, Rudy  
 McCarthy, William  
 Messier, Irene  
 Nolan-Piteri, Dawn  
 Peterson, Andrew  
 Simon, Anthony  
 White, Donald

Alukonis, David  
 Bergin, Peter  
 Carlson, Donald  
 Cote, Peter  
 Desmarais, Vivian  
 Dyer, Merton  
 Ford, Nancy  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Herman, Richard  
 Konys, Christine  
 Lefebvre, Roland  
 Lozeau, Donnalee  
 McCarty, Winston  
 Milligan, Robert  
 O'Connell, Timothy  
 Reidy, Frank  
 Thulander, O Alan  
 White, John

Arnold, Thomas Jr  
 Buckley, Raymond  
 Chabot, Robert  
 Craig, James  
 Desrosiers, William  
 Emerton, Lawrence  
 Foster, Linda  
 Ginsburg, Ruth  
 Haley, Robert  
 Jean, Claudette  
 L'Heureux, Robert  
 Leishman, Peter  
 Lynde, Harold  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 O'Hearn, Jane  
 Sarette, John  
 Turgeon, Roland  
 Williams, Carol

Arthur, Rose  
 Burkush, James  
 Clemons, Jane  
 Curran, James  
 Dokmo, Cynthia  
 Fenton, James  
 Franks, Suzan  
 Goley, Jeffrey  
 Hall, Betty  
 Johnson, Lionel  
 LaRose, Richard  
 Leonard, Peter  
 Martin, Mary Ellen  
 Mendenhall, Leslie  
 Murphy, Robert  
 Pepino, Leo  
 Sargent, Maxwell  
 Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
 Davis, Francis  
 Gile, Mary  
 Larrabee, David Sr  
 Owen, Derek  
 Rodd, Beth  
 Virtue, Carolyn

Chase, George  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Lockwood, Priscilla  
 Potter, Frances  
 Rosenfield, Jay  
 Wallin, Jean

Crosby, Toni  
 Fortnam, Janet  
 Hess, David  
 Maxfield, Roy  
 Poulin, Dave  
 Seldin, Gloria  
 Wallner, Mary Jane

Daneault, Gabriel  
 French, Barbara  
 Jacobson, Alf  
 Moore, Carol  
 Reardon, Tara  
 St Cyr, Gerard  
 Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
 Case, Margaret  
 Dalrymple, Janeen  
 Francoeur, Sheila  
 Hutchinson, Rebecca  
 Kelley, Jane  
 Norelli, Terie  
 Pitts, Jacqueline  
 Sabella, Norma  
 Splaine, James  
 Vaughn, Charles

Belanger, Ronald  
 Christie, Andrew Jr  
 Dearborn, Bruce  
 Gleason, John  
 Kane, Cecelia  
 Kelley, William  
 Noyes, Richard  
 Rabideau, Marie  
 Schanda, Frank  
 Stone, Joseph  
 Whittier, John

Blanchard, MaryAnn  
 Clark, Martha  
 Downing, Michael  
 Henderson, Warren  
 Katsakiores, George  
 Langone, John  
 O'Keefe, Patricia  
 Raynowska, Bernard  
 Shelton, Richard  
 Stritch, C Donald

Bridle, Russell  
 Clark, Vivian  
 Flanders, John Sr  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Lovejoy, Marian  
 O'Neil, Michael  
 Reardon, Neil  
 Shultis, Elizabeth  
 Tufts, J Arthur

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Musler, George  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Bickford, David  
DeChane, Marlene  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

Brennan, William  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Pelletier, Marsha  
Spang, Judith  
Twardus, Joseph

Brown, George  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Rogers, Rose Marie  
Spear, Barbara  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Tuthill, John

Donovan, Thomas Jr  
Leone, Richard  
Wiggins, Celestine

**NAYS 128****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Wendelboe, Francine

Boyce, Robert  
Lawton, David

Czech, Stanley  
Rosen, Ralph

**CARROLL**

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph  
Torressen, Gary

**CHESHIRE**

Avery, Stephen

Roberts, William

Rose, William

**COOS**

Tholl, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Mirski, Paul

Brothers, Richard  
Hall, David  
Scanlan, David

Cobb, John  
Harmon, Hobart  
Ward, Brien

Dudley, Terri  
Hinman, Harry  
Weber, Phil

**HILLSBOROUGH**

Andrews, Frederick  
Brundige, Robert  
Dalianis, Griffin  
Fletcher, Richard  
Herman, Keith  
Kurk, Neal  
McColgan, Philip Jr  
Mercer, Robert  
Pappas, Marc  
Wall, Nancy

Batula, Peter  
Bruno, Pierre  
Daniels, Gary  
Flora, Kathleen  
Holley, Sylvia  
LaPorte, George  
McDonald, James Sr  
Moran, Edward  
Reeves, Sandra  
Withee, Dennis

Beaupre, Roland  
Christiansen, Lars  
Drabinowicz, A Theresa  
Gagnon, Eugene  
Hunter, Bruce  
MacGillivray, Jeffrey  
McGough, Tim  
Mosher, William  
Rowe, Robert

Belvin, William  
Clegg, Robert Jr  
Dwyer, Paul Sr  
Goulet, Maurice  
Jean, Loren  
Martel, Andre  
Melcher, Harold  
Ouellette, Dean  
Tate, Joan

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Nichols, Avis

Brewster, Richard  
Leber, William  
Soltani, Tony

Hoadley, Elizabeth  
Marple, Richard  
Whalley, Michael

Kennedy, Richard  
Marshall, Kenneth  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Corbin, C David  
Dowling, Patricia

Beaulieu, Jon  
Cote, Patricia  
Fesh, Robert

Bishop, Franklin  
Cox, Russell  
Flanagan, Natalie

Cooney, Richard  
DiFruscia, Anthony  
Flanders, David

Gibbons, Paul  
Johnson, Robert  
Major, Norman  
Morse, Charles  
Priestley, Anne  
Ruffner, Walter  
Welch, David

Grant, Kenneth  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Putnam, Ed II  
Stickney, Nancy  
Weyler, Kenneth

Griffin, Mary  
Langley, Jane  
Mikowski, Walter  
Nowe, Ronald  
Quandt, Marshall  
Varrell, Thomas  
Zolla, William

Hamel, Albert  
Letourneau, Robert  
Moore, Benjamin  
Packard, Sherman  
Rubin, George  
Weare, Everett

### STRAFFORD

Cossette, Larry

McKinley, Robert

Tsiros, William

Woods, Phyllis

### SULLIVAN

Young, David

and the report was adopted.

Rep. Leighton Pratt voted Yea and intended to vote Nay.

**HB 1430**, establishing a committee to study the circumstances and investigations of the deaths of Janet and Steven Dow. **INEXPEDIENT TO LEGISLATE**

Rep. David A. Welch for Criminal Justice and Public Safety: HB 1430 establishes a study committee charged with investigating and reviewing the evidence surrounding the deaths of Janet and Steven Dow. The study committee would have the duty to consider the scope and quality of all investigations conducted by any federal, state, or local agency of the deaths of Janet and Steven Dow. In order to accomplish this the study committee would have the same investigatory powers as the general court. The study committee is authorized to take evidence under oath, issue subpoenas and search for and seize records, and compel testimony. Based upon research the committee found that in most cases where a legislature has become interested in a particular criminal matter, the legislature has usually addressed the issue by either authorizing a prosecutor (such as the state attorney general) to pursue the matter or had established a special crime commission or task force to conduct the investigation. In the latter approach, legislators sometimes comprise part of the membership of the special commission or task force but the membership also includes criminal investigating experts, prosecutors, attorneys, and regular citizens. The committee fears that there are dangers in establishing a legislative committee to investigate a crime. There are concerns that such a committee may conduct the hearings without certain protections. Hearsay evidence is admissible during these proceedings, as it would not be in a court of law. Because of the admissibility of hearsay evidence, the accused is seldom allowed to confront his accusers. There is therefore no cross-examination of witnesses for the prosecution. HB 1430 would allow the committee to engage in "fishing expeditions." The last time such a committee was convened in New Hampshire was a result of a resolution passed by both houses appointing the Attorney General, Louis Wyman, as a committee of one with subpoena powers, to find subversive activities in state government. This investigation actually resulted in at least two cases being heard at the United States Supreme Court which have become text for some political science text books. The decision in *Sweezy v. New Hampshire*, 354 U.S. 234, imposed restrictions on the conduct of investigations by state legislative committees. It is the federal Supreme Court that warns of "fishing expeditions" and restricts the use of such committees to investigate activities of state government. The committee feels that investigations of suspected wrongdoing and law enforcement in general are the province of the executive, rather than the legislative branch. The committee would rather keep these powers separate instead of merging them. One of the sponsors of HB 1430 submitted questions to the committee which he felt needed to be answered. The committee has pursued this and will include in the committee file, the questions asked and the answers obtained, thus supplying additional information. During the 1997-1998 session the committee did investigate the circumstances surrounding the deaths of Janet and Steven Dow and had concluded that the circumstances were indeed suspicious and that the accident had been staged to cover the fact that the deaths of these two people were not a result of the automobile accident. The original evidence has long since disappeared and the fact that the initial investigation was not complete, it is unlikely that sufficient evidence will ever be discovered to allow prosecution of this event. That this conclusion does not satisfy certain people that are intimately connected to this event cannot be helped. To allow a fishing expedition outside of due process of law would



not be in the best interests of justice and would not increase the likelihood of successful prosecution. Therefore the committee recommends that HB1430 be Inexpedient to Legislate Vote 14-1. Reps. Wiggins and James Johnson spoke against. Reps. Wear and Welch spoke in favor and yielded to questions. Rep. Wiggins requested a roll call; sufficiently seconded. The question being the adoption of the report.

**YEAS 215 NAYS 133****YEAS 215****BELKNAP**

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Lawton, David	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Russell, David	Thomas, John	Turner, Robert

**CARROLL**

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	Lerandeau, Alfred	Roberts, William
Rose, William	Royce, H Charles	Zerba, Roger	

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Pratt, Leighton	Tholl, John Jr		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Ham, Bonnie
Harmon, Hobart	Marshall, Gene	Scanlan, David	Solow, Martha
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Bergin, Peter
Burkush, James	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Cote, David	Craig, James
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth	Goley, Jeffrey
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Johnson, Lionel	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McGough, Tim	Melcher, Harold
Mercer, Robert	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Wall, Nancy	White, Donald		

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	Hess, David	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Leber, William	Lockwood, Priscilla

Marple, Richard  
Nichols, Avis  
Rosenfield, Jay

Marshall, Kenneth  
Poulin, Dave  
Whalley, Michael

Maxfield, Roy  
Reardon, Tara

Moore, Carol  
Rodd, Beth

## ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Cote, Patricia  
Downing, Michael  
Flanders, John Sr  
Grant, Kenneth  
Johnson, Robert  
Langley, Jane  
Mikowski, Walter  
O'Keefe, Patricia  
Priestley, Anne  
Reardon, Neil  
Schanda, Frank  
Tufts, J Arthur  
Weyler, Kenneth

Arndt, Janet  
Christie, Andrew Jr  
Cox, Russell  
Fesh, Robert  
Francoeur, Sheila  
Griffin, Mary  
Katsakiores, George  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Rubin, George  
Stickney, Nancy  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gibbons, Paul  
Hamel, Albert  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Rabideau, Marie  
Ruffner, Walter  
Stone, Joseph  
Weare, Everett

Bishop, Franklin  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, David  
Gleason, John  
Henderson, Warren  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Raynowska, Bernard  
Sabella, Norma  
Stritch, C Donald  
Welch, David

## STRAFFORD

Berube, Roger  
Cossette, Larry  
Knowles, William  
Spear, Barbara  
Wall, Janet

Bickford, David  
Domingo, Baldwin  
McKinley, Robert  
Torr, Franklin  
Woods, Phyllis

Brown, George  
Dunlap, Patricia  
Musler, George  
Tsiros, William

Callaghan, Frank  
Kaen, Naida  
Rogers, Rose Marie  
Vincent, Francis

## SULLIVAN

Kibbey, David

Young, David

## NAYS 133

## BELKNAP

Bartlett, Gordon

Johnson, James

Wendelboe, Francine

## CARROLL

Babson, David Jr

## CHESHIRE

Batchelder, Robert  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

DePecol, Benjamin  
Meader, David  
Richardson, Barbara

Lynch, Margaret  
Mitchell, McKim  
Riley, William

## COOS

Glines, Sara

Landers, Dana

Mears, Edgar

## GRAFTON

Brothers, Richard  
Dudley, Terri  
Hinman, Harry  
Weber, Phil

Cobb, John  
Gilman, G Michael  
Johnson, Gary

Copenhaver, Marion  
Guest, Robert  
Mirski, Paul

Densmore, Jessica  
Hall, David  
Nordgren, Sharon

## HILLSBOROUGH

Arthur, Rose  
Buckley, Raymond  
Ford, Nancy

Baroody, Benjamin  
Cote, Peter  
Garrish, Linda

Brundige, Robert  
Curran, James  
Gorman, Mary

Bruno, Pierre  
Desrosiers, William  
Haettenschwiller, Alphonse

Haley, Robert  
Jean, Loren  
Lasky, Bette  
Martin, Mary Ellen  
McDonough-Wallace, Alice  
Reidy, Frank  
Withee, Dennis

Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
McCarthy, William  
Mendenhall, Leslie  
Vaillancourt, Steve

Herman, Richard  
Konys, Christine  
Leonard, Peter  
McColgan, Philip Jr  
Messier, Irene  
White, John

Jean, Claudette  
LaPorte, George  
Lynde, Harold  
McDonald, James Sr  
Moriarty, Mary  
Williams, Carol

### MERRIMACK

Bouchard, Candace  
French, Barbara  
Owen, Derek  
St Cyr, Gerard  
Whittemore, James

Chase, George  
Gile, Mary  
Potter, Frances  
Virtue, Carolyn  
Yeaton, Charles

Crosby, Toni  
Hoadley, Elizabeth  
Seldin, Gloria  
Wallin, Jean

Fraser, Marilyn  
Jacobson, Alf  
Soltani, Tony  
Wallner, Mary Jane

### ROCKINGHAM

Beaulieu, Jon  
Dowling, Patricia  
Kelley, Jane  
Putnam, Ed II  
Vaughn, Charles

Blanchard, MaryAnn  
Hutchinson, Karen  
Kelley, William  
Shelton, Richard  
Whittier, John

Clark, Martha  
Hutchinson, Rebecca  
Langone, John  
Shultis, Elizabeth

Dalrymple, Janeen  
Kane, Cecelia  
Norelli, Terie  
Splaine, James

### STRAFFORD

Brennan, William  
Heon, Richard  
Pelletier, Marsha  
Taylor, Kathleen

DeChane, Marlene  
Keans, Sandra  
Rollo, Michael  
Twardus, Joseph

Estabrook, Iris  
Lent, Donald  
Smith, Marjorie  
Vachon, Dennis

Gilmore, Gary  
Pelletier, Arthur  
Spang, Judith

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Robb-Theroux, Amy

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas Jr  
Phinizy, James

and the report was adopted.

### HB 1431, relative to protective orders in domestic violence cases. OUGHT TO PASS WITH AMENDMENT

Rep. Beth Rodd for Criminal Justice and Public Safety: The intent of the original bill was to protect the defendant from activities of the plaintiff that would cause the defendant to incur criminal penalties when violation of a restraining order occurred because the plaintiff contacted the defendant. This bill would have criminalized the victim's behavior as well as the abuser's behavior although no domestic violence charges were levied against the victim. The amended version of this bill addresses issues of mutual protection and provides a procedure to deal with emergency needs for contact between the parties. It also maintains the protective orders within the boundaries of federal protection making the orders effective across state lines. Vote 13-0.

#### Amendment (3900h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Protection of Persons From Domestic Violence; Relief Amended. Amend RSA 173-B:5 by inserting after paragraph VIII the following new paragraph:

VIII-a. Upon issuing an order against a defendant, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, plaintiff or plaintiff's family may request that the local police department notify defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.

2 Effective Date. This act shall take effect January 1, 2001.

## AMENDED ANALYSIS

This bill requires that the court, upon issuing an order against a defendant, issue a warning to the plaintiff advising them that it would be unwise and possibly unsafe to contact the defendant. The bill also provides that if the plaintiff wishes to contact the defendant, the plaintiff should petition the court for a modification of the order.

Adopted.

Rep. Loren Jean offered a floor amendment.

**Floor Amendment (3971h)**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 30 days after its passage.

Reps. Loren Jean and Welch spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 1270-FN-L**, relative to charter schools and open enrollment districts. OUGHT TO PASS WITH AMENDMENT

Rep. John R. Alger for Education: As amended, this bill provides an alternative for charter school applicants to apply directly to the State Board of Education for a charter, followed by an approval vote at the school district meeting. It leaves the local school board charter approval process in place. The bill also revises the money given to a charter school to be either 80% of the district average per pupil cost of education (present law) or the district's adequate education grant, whichever is less. In so doing, the bill relieves a school district of paying more than the state adequacy grant, which has been an issue for taxpayers voting on approval of charter schools. Vote 10-8.

**Amendment (3815h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Charter Schools; Establishment and Application Procedures. Amend RSA 194-B:3 by inserting after paragraph I the following new paragraph:

I-a. Persons eligible to submit an application to establish a charter school under this chapter shall have the option of initiating a charter school application with the school board of the district in which the charter school intends to be located or, in the alternative, with the state board of education.

2 Charter Schools; Establishment and Application; Role of State Board of Education. Amend the introductory paragraph of RSA 194-B:3, II to read as follows:

II. Except as expressly provided in this chapter, the duty and role of the local school board *and the state board* relative to the establishment of a charter school shall be to approve or disapprove the proposed charter school application based upon whether or not the proposed application contains in specific detail the following required elements:

3 Charter Schools; Establishment and Application Procedures Amended. Amend the introductory paragraph of RSA 194-B:3, II (cc) to read as follows:

(cc) In addition to an application, each charter school applicant, in consultation with *either* the local school board *or the state board depending on which body receives the charter school applicant's initial application*, shall prepare a proposed contract. The contract shall include, but shall not be limited to, the following elements:

4 Charter Schools; Establishment and Application Procedures Amended. Amend RSA 194-B:3, III (a)-(b) to read as follows:

(a) Applications for approval of a charter school shall not be submitted to the school board *or to the state board* until the provisions of RSA 194-B:4, I(d)(1) have been adopted by the school district legislative body.

(b) Proposed applications and contracts to establish a charter school shall be presented by July 1 of the year preceding intended operation of the charter school by its prospective board of trustees to the school board of the district in which the charter school intends to be located *or to the state board, depending on which body the applicants select to review the initial charter school application*.

5 Charter Schools; Establishment and Application Procedures Amended. Amend RSA 194-B:3, XI to read as follows:



XI.(a) A charter grantee may apply to the school board *or state board* for amendment to its application and contract, which shall be granted or denied within 30 days at the ~~[school board's]~~ discretion *of the school board or state board*. The school board *or state board* shall notify the school in writing of the decision to grant or deny the proposed amendment, providing reasons for the decision. An approved amended contract shall be promptly signed by the school board within one month of approval.

(b) A charter grantee may appeal the denial *by the school board* of a proposed application and contract amendment to the state board. The state board shall review the proposed amendment and within 30 days shall notify the school ~~[and the school board]~~ in writing of the decision to grant or deny the amendment, providing reasons for the decision. *For applications initiated with the state board, the school may, in writing, petition the state board to reconsider its decision to deny a proposed application and contract amendment. Upon granting reconsideration, the state board shall within 30 days notify the school in writing of its reconsideration decision on the proposed amendment, providing reasons for the decision.*

(c) Within one month of receipt of a notice of approval from the state board ~~[on appeal from a school board denial]~~, the school board shall promptly execute the proposed amended contract.

(d) ~~[When executed]~~ *Upon execution* by the school board, an appealed amended application and contract shall be submitted promptly to the school district legislative body for subsequent ratification or denial without amendment, which decision shall be final. The ratification question shall be placed on the warrant of the next special or annual school district meeting. In districts without annual meetings, the legislative body shall have final authority to ratify or deny the proposed amended application and contract.

6 Charter Schools; Funding Provisions Amended. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school, the pupil's resident district shall pay to such school an amount equal to ~~[not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department] either 80 percent of the district's average per pupil cost of an adequate education as determined by data from the most current fiscal year or the district's adequate education grant amount as calculated pursuant to RSA 198:41, whichever is less.~~ Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, funding for a pupil attending a charter or open enrollment school shall be paid on the same time schedule as the resident district, or on such other terms as the school and the funding source may find mutually acceptable.

7 Repeal. RSA 194-B:3, IV(a) and (b), relative to an appeal from a denial of a charter school application by a school board is repealed.

8 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill changes establishment and application procedures for charter schools by authorizing a proposed charter school application to be submitted directly to the state board of education. The bill also provides that the payment for all pupils attending a charter school shall be equal to either 80 percent of the district's average per pupil cost of an adequate education grant amount, whichever is less.

Adopted.

Rep. McGough requested a roll call; not sufficiently seconded.

On a division vote, 204 members having voted in the affirmative and 122 in the negative, the report was adopted and ordered to third reading.

**HB 1376-L**, relative to the procedure for voting on the school administrative unit budget. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT. Rep. Clair A. Snyder for the Majority of Education: This bill, while enabling, would provide a sort of cafeteria option to each town or city for funding the SAU budget. This could be chaotic in trying to fund services provided by the SAU, which are district-wide and not clearly focused on one town or city. If one town turns down a new copier when the current one is unusable, are they then

denied copier services? Many SAU's have many towns included and if each one had veto power on portions of the total bill, services to each town or city could suffer. Vote 17-2.

Rep. John R. Alger for the Minority of Education: This is simply enabling legislation for a single school district of a SAU to elect a single district SAU budget. With an amendment, it would enable citizens to vote on their SAU budget on a one person, one vote basis, required by constitution, not possible with the single SAU budget currently required by law. However, the bill preserves the current single SAU budget option simply enabling a school district to vote one year to adopt a single district SAU budget that would be implemented the succeeding year.

Majority report adopted.

**HB 1308**, relative to nomination paper requirements. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. C. Donald Stritch for the Majority of Election Law: This bill addresses the process for candidates to be nominated for office that are not members of any state political party. It requires that any political organization will file in June and submit such names nominated for the primary in September. It allows, in the case of more than one name nominated for an office, to have both names on the ballot. It requires a political organization to pay a \$500 fee in June. Vote 9-6.

Rep. Raymond Buckley for the Minority of Election Law: The bipartisan minority strongly believes that HB1308 as amended makes overly-complicated substantial changes to the process of ballot access for candidate on general election ballot while retaining the confusing situation of having multiple candidates for the same office run under the "Independent" label. The minority believes that there are simpler solutions to the concerns that HB1308 attempts to address. Separate legislative bills can be filed next term.

#### Amendment (3304h)

Amend the bill by replacing all after the enacting clause with the following:

1 Elections; Nominations by Primary; Declaration of Intent; Political Organizations. Amend RSA 655:17-a to read as follows:

655:17-a Declaration of Intent; Other Candidates.

*I.* Declarations of intent for nonparty or other candidates shall be in the following form and signed by the candidate:

I, \_\_\_\_\_, declare that I am domiciled in Ward \_\_\_\_\_, in the city (or town or unincorporated place) of \_\_\_\_\_, county of \_\_\_\_\_, state of New Hampshire, and am a registered voter herein; that I intend to be a candidate for the office of \_\_\_\_\_ to be chosen at the general election to be held on the \_\_\_\_ day of \_\_\_\_; and I intend to file nomination papers by the deadline established under RSA 655:43. I further declare that, if qualified as a candidate for said office, I shall not withdraw; and that, if elected, I shall be qualified for and shall assume the duties of said office.

*II. The declaration of intent for a political organization shall be in the following form and signed by the chairman of the political organization.*

*I, \_\_\_\_\_, chairman of the \_\_\_\_\_ organization hereby declare that the \_\_\_\_\_ organization intends to file nomination papers by the deadline established under RSA 655:43. I further declare that the \_\_\_\_\_ organization intends to file the names of candidates for the following offices with the nomination papers:*

2 New Subparagraph; Elections; Nominations; Nominations by Primary; Administrative Assessment; Primary Petitions; Nomination Papers; Party Organizations. Amend RSA 655:19-c, I by inserting after subparagraph (f) the following new subparagraph:

(g) For party organization, \$500.

3 Elections; Nominations; Nomination by Nomination Papers. Amend RSA 655:40-43 to read as follows:

655:40 General Provisions. As an alternative to nomination by party primary, a candidate [may] shall have his or her name placed on the ballot for the state general election by submitting the requisite number of nomination papers pursuant to RSA 655:42, I or II. Such papers shall contain the name and domicile of the candidate, the office for which [he] the candidate is nominated, and the political party or principles [he] the candidate represents, and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper for each office to be voted for, and no nomination paper shall contain the names of

more candidates than there are offices to be filled. Each *qualified voter desiring to sign a nomination paper* shall sign an individual petition.

655:40-a Nomination of **[Party] Political Organization**. A political ~~[party may]~~ **organization shall have [its name] candidates** placed on the ballot for the state general election by submitting the requisite number of nomination papers, in the form prescribed by the secretary of state, pursuant to RSA 655:42, III. Such **nomination** papers shall contain the name of the political **[party] organization** and shall be signed by such persons only as are qualified to vote at the state general election. No voter shall sign more than one nomination paper which allows a political **[party] organization** access to the state general election ballot.

655:40-b Filing Names of Candidates. The names of the candidates to be listed on the state general election ballot under the political **[party] organization** nominated pursuant to RSA 655:40-a shall be submitted to the secretary of state no later than 5:00 p.m. on ~~[the Monday immediately following the]~~ **state primary day**. When the list of candidates is filed, it shall be accompanied by a declaration of candidacy signed by each of the candidates. The declaration of candidacy shall be in the form provided by RSA 655:17 with the understanding that, where the form says primary election, it shall be construed to mean general election.

655:41 Certification. Each nomination paper, *either pursuant to RSA 655:40 or pursuant to RSA 655:40-a*, shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors *of the checklist* shall certify whether or not the signer is a legal voter in said town or ward. The supervisors of the checklist shall certify nomination papers under this section in a timely fashion, so that their certification shall be complete for each candidate, together with any objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday 2 weeks before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

655:42 Number.

I. It shall require the names of 3,000 legal voters, 1,500 from each United States congressional district in the state, to nominate by nomination papers a candidate for president, vice-president, United States senator, or governor.

II. It shall require the names of 1,500 legal voters to nominate by nomination papers a candidate for United States representative; 750 to nominate a candidate for councilor or state senator; and 150 to nominate a candidate for state representative or county officer.

III. It shall require the names of legal voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political **[party] organization**.

655:43 Filing Deadline.

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he *or she* seeks at the time of the general election and meets all the other qualifications at the time of filing; and if a candidate for the office of governor, executive councilor, state senator, or state representative, unless he *or she* shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless he *or she* shall meet the qualifications for office under RSA 655:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers *pursuant to RSA 655:40* shall have his *or her* name placed on the ballot unless ~~[he]~~ *the candidate* files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a.

*III. No political organization shall have the names of their candidates placed on the ballot, unless the organization files a declaration of intent, as provided in RSA 655:17-c, within the filing deadline required by RSA 655:14-a.*

~~[HE:]~~ IV. No person who filed as a candidate in the state primary election shall be eligible to have his *or her* name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Majority report adopted and ordered to third reading.



**HB 1417-FN-A-L**, setting priorities for the disposal of certain components of the solid waste stream.  
**REFER FOR INTERIM STUDY**

Rep. George T. Musler for Environment and Agriculture: The effort to meet the 40% reduction vote is important to the Committee and the State. The Committee supports that basic objective and will be working to present a supportable piece of legislation and recommendation in November. Vote 13-2. Adopted.

**HB 1418-FN-L**, relative to mercury-containing products. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Harold P. Melcher for Environment and Agriculture: This bill is a very small forward step in an ongoing effort to resolve mercury pollution, forged with the cooperation of the industries involved. This is a regional initiative in which NH must coordinate with surrounding states. At this time the current bill is all we should be considering. Vote 12-0.

**Amendment (3827h)**

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Mercury Reduction. Amend RSA 149-M by inserting after section 50 the following new subdivision:

**Mercury Reduction**

149-M:51 Definitions. In this subdivision:

I. "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, combination, or joint venture which produces a product containing mercury or an importer or domestic distributor of a product containing mercury produced in a foreign country. In the case of a multi-component product containing mercury the manufacturer is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the manufacturer is the importer or domestic distributor.

II. "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, and items of apparel, including footwear.

III. "Mercury-added product" means a product or a product with a component that contains mercury or a mercury compound intentionally added to the product or component in order to provide a specific characteristic, appearance, or quality or to perform a specific function or for any other reason.

IV. "Mercury fever thermometer" means a mercury-added product that is used for measuring body temperature.

V. "Product containing mercury" means any product or any product with a component that contains mercury or a mercury compound from any source or cause, whether intended or unintended, including, but not limited to, a mercury-added product and a product manufactured using mercury.

149-M:52 Notification.

I. Six months after the effective date of this section no mercury-added product shall be offered for final sale or use or distributed for promotional purposes in this state without prior notification in writing by the manufacturer of the product to the department in accordance with the requirements of this section. Such notification shall at a minimum include:

(a) A brief description of the product to be offered for sale, use, or distribution.

(b) The amount of mercury in each unit of the product reported as an exact number or average per product with an upper and lower limit.

(c) The name and address of the manufacturer.

(d) The total amount of mercury used by the manufacturer of the mercury-added products reported by a company or aggregated by a trade organization for a group of companies.

II. With the approval of the department, the manufacturer may supply the information required above for a product category rather than an individual product. The manufacturer shall update and revise the information in the notification whenever there is significant change in the information or when requested by the department. The department may define and adopt specific requirements in accordance with RSA 541-A for the content and submission of the required notification.

III. This section shall not apply to prescription drugs or any substance that may be lawfully sold over the counter without a prescription under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et. seq.



**149-M:53 Restrictions on the Sale of Certain Mercury-Added Products.**

I. No later than one year after the effective date of this section, no toy, game, card, ornament, or mercury-added novelty shall be offered for final sale or use or distributed for promotional purposes in this state if the seller knows or has reason to know that the product contains mercury. Manufacturers that produce and sell mercury-added novelties shall notify retailers about the provisions of this section and how to dispose of the remaining inventory properly.

II. Six months after the effective date of this section, a person shall not sell or supply mercury fever thermometers to consumers and patients, except by prescription. The manufacturers of mercury fever thermometers shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur with all mercury fever thermometers sold through prescriptions.

III. As of the effective date of this section, no school in this state shall use or purchase for use in a primary or secondary classroom, elemental mercury, mercury compounds, or mercury-added instructional equipment and materials, except measuring devices and thermometers for which no adequate substitute exists which are used in school laboratories.

**149-M:54 Disclosure for Mercury-Containing Products That Are Used in Health Care Facilities.**

I. The requirements of this section apply to all products containing mercury that are used in health care facilities including, but not limited to: acids; alkalis; bleach (sodium hypochlorite); materials used for cleaning, in maintenance, or for disinfection; pharmaceutical products; stains, reagents, preservatives, fixatives, buffers, and dyes.

II. For all products containing mercury offered for sale to health care facilities, within one year of the effective date of this section, the manufacturer shall provide both the department and the purchaser a certificate of analysis documenting the mercury content of the product, down to a 1 part per billion level.

III. The certificate of analysis shall report the result of an analysis performed for mercury on the specific batch or lot of that product offered for sale. The batch or lot number of the product shall be clearly identified on the product and on the certificate of analysis.

IV. Upon receipt of the certificate of analysis, the department may review the data, in consultation with the manufacturer, and take appropriate action to require the manufacturer to eliminate or reduce the mercury content of the product, if feasible.

**149-M:55 Limitations on the Use of Elemental Mercury.** As of the effective date of this section, no person shall sell or provide elemental mercury to another person in this state without providing a material safety data sheet, as defined in 42 U.S.C. section 11049, and requiring the purchaser or recipient to sign a statement that the purchaser:

I. Will use the mercury only for medical, dental amalgam dispose-caps, research, or manufacturing purposes;

II. Understands that mercury is toxic and that the purchaser will store and use it appropriately so that no person is exposed to the mercury; and

III. Will not place or allow anyone under the purchaser's control to place the mercury or cause the mercury to be placed in solid waste for disposal or in a wastewater disposal system.

**149-M:56 Public Education and Outreach.**

I. The department shall implement a public education, outreach, and assistance program for households, hazardous waste generators, local and regional solid waste management agencies, dismantlers, institutions, and schools on the hazards of mercury, the requirements and obligations of individuals, manufacturers, and agencies under this subdivision, and voluntary efforts that individuals, institutions, and businesses can undertake to help further reduce mercury in the environment. The department shall cooperate with manufacturers of mercury-added products and other affected businesses in the development and implementation of public education and technical assistance programs.

II. The department shall cooperate with the neighboring states and provinces and regional organizations in the northeastern United States and Canada on developing outreach, assistance, and education programs, where appropriate.

**149-M:57 Interstate Clearinghouse.** The department is hereby authorized to participate in the establishment and implementation of a regional, multi-state clearinghouse to assist in carrying out the requirements of this subdivision and to help coordinate reviews of the manufacturers' notifications regarding mercury-added products, applications for phase-out exemptions, reviews of the

collection plans, the disclosures of mercury content, applications for alternative labeling, and education and outreach. The clearinghouse may also maintain a list of all products containing mercury, including mercury-added products; a file on all exemptions granted by the states; a file of all the manufacturers' reports on the effectiveness of their collection systems; and a file of the certificates of analysis for certain products containing mercury used by health care facilities as required by RSA 149-M:54.

149-M:58 State Review. The department shall, in consultation with the Committee on the Environment of the Conference of New England Governors and Eastern Canadian Premiers, review the effectiveness of this subdivision no later than 4 years after the effective date of this section and shall provide a report based upon that review to the governor and the legislature. The report shall review the effectiveness of the programs required under the subdivision and may contain recommendations for improving them.

### AMENDED ANALYSIS

This bill:

I. Prohibits the sale of certain mercury-added products.

II. Establishes notification and disclosure requirements for permissible mercury-containing products.

III. Establishes limitations on the use of elemental mercury.

IV. Requires the department of environmental services to implement a public education, outreach, and assistance program on the hazards of mercury and relative to the reduction of mercury in the environment.

This bill was requested by the department of environmental services.

Adopted.

Report adopted and ordered to third reading.

**HB 1286**, relative to relicensure by the pharmacy board of a certain pharmacist. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alida I. Millham for the Majority of Executive Departments and Administration: This bill would require the board of pharmacy to relicense a certain pharmacist without imposition of any penalties or late fees. In February 1994, this pharmacist was asked, in a routine audit, to submit his continuing education documentation. This coincided with his regular application for relicensure. He supplied "education material", but was unable to supply any certificates of attendance. The pharmacist felt he had been erroneously informed about what the documentation should be, asked for, and received additional time to obtain the certificates. When they were not produced a disciplinary hearing was held in October 1994. His license was suspended for 30 days and he was fined \$500, which is the customary penalty for such an offense. The pharmacist filed a request for voluntary surrender of his license and withdrew his reapplication. The board did not accept the surrender of the license, but it expired in December 1994. He filed for a reconsideration of the decision and requested the tape of the proceedings. It was then discovered that the tape was blank. Because of this, at the April 1995 reconsideration hearing, the board vacated their decision and proceeded with a new hearing. The pharmacist refused to participate in the hearing saying he had surrendered his license and the board no longer had any jurisdiction. The board completed the hearing and arrived at the previous conclusion and assessed a \$500 fine. In September 1995, the pharmacist appealed the decision to the Supreme Court. On December 20, 1996, the Supreme Court issued an opinion that affirmed the board of pharmacy findings and adjudication. The pharmacist had no subsequent contact with the board until he filed for relicensure about two weeks ago. While sympathetic with the situation, the majority of the committee agreed that the pharmacist had not exhausted all available administrative remedies before seeking legislative intervention. Vote 11-8.

Rep. Carolyn A. Virtue for the Minority of Executive Departments and Administration: This bill requires the board of pharmacy to reinstate the license of a certain pharmacist, whose license was not renewed due to a situation that arose after he received incorrect information and misleading direction from the board concerning requirements for relicensure. The definitions in the rules relative to the issue (C.E.U.'s) were unclear at the time as well. The individual made a good faith effort to obtain clarification from the board of pharmacy and to act in accordance with the rules and the direction he received from the board. Despite performing in accordance with the pharmacy board's direction, the board refused the applicant's relicensure as a pharmacist. Subsequent changes in rules

and statute have clarified the issue to prevent this problem from recurring. This bill provides for restitution to the aggrieved party.

Reps. Mirski and Virtue spoke against.

Reps. Millham and Goulet spoke in favor.

On a division vote, 198 members having voted in the affirmative and 135 in the negative, the majority report was adopted.

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: The Walker Building sits empty on the state hospital campus. While structurally sound, it was closed years ago as an office building due to a need to update heating, ventilating and electrical systems. It now suffers from years of neglect. The demolition and hazardous waste removal will exceed \$2 million. The cost of repairing the roof, removing wild animals and halting deterioration will be about \$3 million. Neither of these measures will provide the state with any more office space. The state leases hundreds of thousands of square feet of office space at ever-increasing rates.

This bill enables the Walker Building to be rehabilitated to make 100,000 square feet available for office space. The bill directs the Council to use the time- and money-saving method called construction management. It also permits the flexibility of a new funding method. Some national construction companies have had success in other states with fronting the money for construction, doing the job, then accepting fixed payments for twenty years that are generally less than paying for leased space. We would also enjoy the advantage of having the payments fixed for ten years, an adjustment, then another ten years fixed. Plus the project promises to be done years earlier than other methods. Vote 23-0.

#### **Amendment (3928h)**

Amend the bill by replacing all after the enacting clause with the following:

I Design for Rehabilitation of New Hampshire Hospital's Walker Building.

I. The department of transportation shall develop and issue a request for proposals from experienced and qualified construction firms or developers for the design, rehabilitation, and reconstruction, and/or financing of the Walker building at New Hampshire hospital.

II. Proposals shall be submitted on or before July 1, 2000.

III. Notwithstanding the provisions of RSA 228:4, 228:4-a and 21-1:22, the department of transportation shall develop criteria for awarding the contract.

IV. The project shall be built under the construction management process, provided that selection and award are based on an objective standard and that there are measurable criteria for evaluation.

2 Decision of the State Treasurer. The state treasurer shall, after consultation with the capital budget overview committee, render a decision as to which of the financing methods provided in paragraphs II and III of section 3 of this act is least costly to the state, and that method shall be utilized for the purposes of this act.

3 Appropriation; Bonds Authorized; Funding Options.

I. The sum not to exceed \$12,600,000 is hereby appropriated to the department of transportation for the purpose of the design, rehabilitation, and reconstruction of the Walker building at New Hampshire hospital authorized in section 1 of this act.

II. To provide funds for the appropriation made in paragraph 1, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$12,600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from rents to be paid by non-general-fund agencies occupying the Walker building. The bonds shall be 20-year bonds.

III. To provide funds for the appropriation made in paragraph 1, the state treasurer is authorized to provide funds from rents to be paid by non-general-fund agencies occupying the Walker building for a financing arrangement not utilizing state bonds.

4 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill authorizes the department of transportation to develop and issue a request for proposals for the design, rehabilitation and reconstruction of the Walker building at New Hampshire hospital and to establish criteria for the contract. The bill also makes a bonded appropriation for the cost of the Walker building project, and provides a funding option for the state treasurer regarding funding the project.

Adopted.

Report adopted and ordered to third reading.

**HB 1188-FN-L**, relative to alternative kindergarten programs. OUGHT TO PASS WITH AMENDMENT

Rep. Jean R. Wallin for Finance: The Finance Committee recommends that this bill be passed as amended to enable school districts to contract with privately-owned kindergartens as alternatives to district-owned kindergartens. The alternative kindergartens shall meet the same standards and fulfill the same requirements as public kindergartens, i.e., designed for five-year-olds; available at district expense to all district children; offered immediately preceding other elementary grades. The private schools chosen shall be non-sectarian. When the so-called kindergarten bill was approved these schools were included. Due to an oversight they were left out of subsequent school funding legislation. Passage will increase the likelihood of all New Hampshire children having access to publicly-funded kindergarten. Vote 24-1.

**Amendment (3897h)**

Amend RSA 198:48-a, VII as inserted by section 1 of the bill by replacing it with the following:

VII. Until such time as pupils enrolled in an approved alternative kindergarten program shall be counted in the average daily membership in residence, an adequate education grant of \$750 per pupil shall be distributed to school districts, from the education trust fund created in RSA 198:39, for the education of its resident kindergarten pupils enrolled in an approved alternative kindergarten program established pursuant to RSA 198:48-a. Once pupils enrolled in an approved alternative kindergarten program have been counted in the average daily membership in residence, school districts shall receive, for each such pupil, an adequate education grant pursuant to RSA 198:40 through RSA 198:42.

Adopted.

Report adopted and ordered to third reading.

**HB 1468-FN**, relative to the registration of pharmacy technicians. OUGHT TO PASS

Rep. Joseph E. Stone for Finance: This bill gives the pharmacy board rulemaking authority regarding the duties, functions and standards of conduct of pharmacy technicians. It further provides for the requirement of the supervision and the registration of pharmacy technicians. Although there is a state general fund expenditure of \$13,098 in FY 01 and \$9,398 in subsequent years, the pharmacy board indicates the general fund revenue will increase by \$15,000 in FY 01 and \$17,500 in FY 02 and FY 03, and by \$20,000 in each year thereafter. There is no fiscal impact on county or local expenditures. Vote 17-8.

Adopted and ordered to third reading.

**HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James P. Pilliod for the Majority of Health, Human Services and Elderly Affairs: Noting that there is no appeals mechanism for the function and policies of the Health Services Planning and Review Board, excepting the Supreme Court, and realizing the value of this oversight to legislatively created boards and commissions, the majority of the committee, after much deliberation, voted ought to pass with amendment to provide this much needed review. Vote 12-6.

Rep. Marion L. Copenhaver for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee has some grave reservations about this oversight committee. The genesis of this bill was a perceived feeling of an unfair decision on an Ambulatory Surgical Facility by the Health Services Planning and Review Committee, commonly called the C.O.N. Board. Because of this, it seems clear to the minority of the committee that the oversight committee would have a



biased point of view, which could undermine the fairness and proper function of the board. Furthermore, it should be the prerogative of the legislature to establish an appeals mechanism if such action is necessary. Finally, there is no reason to provide this oversight committee with powers of investigation rarely provided to other oversight committees.

### Amendment (3713h)

Amend the bill by replacing section 2 with the following:

2 New Section; Oversight Committee Established. Amend RSA 151-C by inserting after section 15 the following new section:

151-C:16 Legislative Oversight Committee Established; Duties.

I. There is hereby established a legislative oversight committee to review the policies and procedures of the board.

II. The committee shall consist of 6 members, 3 of whom shall be members of the house of representatives, appointed by the speaker of the house, and 3 of whom shall be senators appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall consider the need to review the policies and procedures of the board and shall make recommendations as it deems necessary. The committee may also investigate the possibility of requiring the executive branch to create an additional appeal mechanism.

IV. The committee shall have the same investigatory powers as the general court.

Rep. Copenhaver spoke against.

Rep. Pilliod spoke in favor.

Rep. Burnham spoke against and yielded to questions.

Rep. Haettenschwiler spoke in favor and yielded to questions.

Adopted.

Majority report adopted and ordered to third reading.

**HB 1236**, granting a defendant the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for Majority of Judiciary: New Hampshire juries inherently have the right to judge the law as well as the facts of the case before them. The juries have had this power since the provincial days, through the revolutionary period, through the civil rights efforts, and to this day. No one challenges the right of the juries, sitting in this state, to acquit a defendant in a case which they find unjust or one which may do violence to their conscience. The opponents, however, argue that we should not inform the jury that they have this right. The majority of the committee was of the opinion that a fully informed juror is the best juror for both sides of the controversy. It makes no sense to withhold from a jury information to which it is entitled. Nor is it appropriate to convey information to a jury in language which is coded or incomprehensible. A jury which is forced to remain ignorant of its legal prerogative is not better suited to serve the purposes of the state or to mete our justice as recognized under New Hampshire law. Vote 8-6.

Rep. Andrew R. Peterson for the Minority of Judiciary: The bill would effectively require that the burden of proof be raised for the prosecution in criminal trials from "...beyond a reasonable doubt" to one where the perceived validity of the law and the personal prejudices of the individual jurors would also need to be overcome. In other words, a prosecutor would have to not only prove the facts but defend the law in every criminal trial. No other state was found which requires this practice. The minority felt that a better way of doing this would have been to allow a presiding judge flexibility in this matter, but require that he or she state the reasons in writing when a request that jury nullification instructions be given is denied.

**Amendment (3907h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to an informed jury.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Intent. Under the decisions of both the New Hampshire supreme court and the United States supreme court, the jury has an undeniable right to judge both the law and the facts in controversy. The jury system functions at its best when it is fully informed of these prerogatives. The general court wishes to perpetuate and reiterate the rights of the jury, as ordained under common law and recognized in the American jurisprudence, while preserving the rights of a criminal defendant.

2 New Section; Right of Accused; Jury Instruction. Amend RSA 519 by inserting after section 23 the following new section:

519:23-a Right of Accused. In all criminal proceedings, where the defendant has made a timely request, the court shall instruct the jury of its inherent right to judge the law as well as the facts and to nullify.

3 Effective Date. This act shall take effect January 1, 2001.

**AMENDED ANALYSIS**

This bill states that a criminal defendant has a right to make a request that the court instruct the jury of its inherent right to judge the law and the facts in controversy and to nullify.

Adopted.

Rep. Peterson spoke against and yielded to questions.

Rep. Loren Jean spoke in favor and yielded to questions.

Rep. Craig requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 189 NAYS 138****YEAS 189****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	Mock, Henry	Patten, Betsey	Sullivan, P Judith
Torressen, Gary			

**CHESHIRE**

Lynch, Margaret	Lynott, Margaret	Pratt, Irene	Riley, William
Roberts, William	Robertson, Timothy	Rose, William	Royce, H Charles

**COOS**

Davis, Perley	Guay, Lawrence	Horton, Lynn	Landers, Dana
Pratt, Leighton	Tholl, John Jr		

**GRAFTON**

Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Marshall, Gene	Mirski, Paul	Scanlan, David	Solow, Martha
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Chabot, Robert

Christiansen, Lars  
Desrosiers, William  
Fletcher, Richard  
Haley, Robert  
Holley, Sylvia  
L'Heureux, Robert  
Leonard, Peter  
Martel, Andre  
McDonald, James Sr  
Moran, Edward  
Ouellette, Dean  
Rowe, Robert  
Vaillancourt, Steve

Clegg, Robert Jr  
Dyer, Merton  
Gagnon, Eugene  
Hall, Betty  
Hunter, Bruce  
LaPorte, George  
Lozeau, Donnalee  
Martin, Mary Ellen  
McGough, Tim  
Mosher, William  
Pappas, Marc  
Sargent, Maxwell  
Wall, Nancy

Daniels, Gary  
Fenton, James  
Ginsburg, Ruth  
Hansen, Herbert  
Jean, Loren  
LaRose, Richard  
Lynde, Harold  
McCarthy, William  
Mercer, Robert  
Murphy, Robert  
Pepino, Leo  
Tate, Joan  
White, Donald

Desmarais, Vivian  
Fields, Dennis  
Goulet, Maurice  
Herman, Keith  
Kurk, Neal  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McCarty, Winston  
Milligan, Robert  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Turgeon, Roland  
Withee, Dennis

### MERRIMACK

Anderson, Eric  
Langer, Ray  
Marple, Richard  
Virtue, Carolyn

Bouchard, Candace  
Larrabee, David Sr  
Nichols, Avis  
Wallin, Jean

Daneault, Gabriel  
Leber, William  
Soltani, Tony  
Whalley, Michael

Kennedy, Richard  
Lockwood, Priscilla  
St Cyr, Gerard  
Whittemore, James

### ROCKINGHAM

Beaulieu, Jon  
Clark, Vivian  
Fesh, Robert  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Quandt, Marshall  
Ruffner, Walter  
Stickney, Nancy  
Weare, Everett

Belanger, Ronald  
Dalrymple, Janeen  
Flanders, John Sr  
Hamel, Albert  
Kelley, William  
Major, Norman  
Nowe, Mary Lou  
Pitts, Jacqueline  
Rabideau, Marie  
Sabella, Norma  
Stone, Joseph  
Welch, David

Bishop, Franklin  
DiFruscia, Anthony  
Gleason, John  
Hutchinson, Karen  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Shultis, Elizabeth  
Stitch, C Donald  
Weyler, Kenneth

Case, Margaret  
Dowling, Patricia  
Grant, Kenneth  
Katsakiores, George  
Langley, Jane  
Mikowski, Walter  
O'Neil, Michael  
Putnam, Ed II  
Reardon, Neil  
Splaine, James  
Varrell, Thomas  
Whittier, John

### STRAFFORD

Bickford, David  
Pelletier, Arthur  
Woods, Phyllis

Brown, George  
Pelletier, Marsha

McKinley, Robert  
Spang, Judith

Musler, George  
Tsiros, William

### SULLIVAN

Donovan, Thomas Jr  
Tuthill, John

Kibbey, David

Leone, Richard

Phinizy, James

### NAYS 138

### BELKNAP

Millham, Alida

### CARROLL

Bradley, Jeb

Kenney, Joseph

Philbrick, Donald

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Russell, Ronald

Blaisdell, Michael  
Meader, David  
Zerba, Roger

Burnham, Daniel  
Mitchell, McKim

DePecol, Benjamin  
Richardson, Barbara

### COOS

Gallus, John

Glines, Sara

Mears, Edgar

**GRAFTON**

Almy, Susan  
Nordgren, Sharon

Copenhaver, Marion

Guest, Robert

Ham, Bonnie

**HILLSBOROUGH**

Ahern, Richard  
Belvin, William  
Cote, David  
Dokmo, Cynthia  
Ford, Nancy  
Gorman, Mary  
Johnson, Lionel  
Leishman, Peter  
Mendenhall, Leslie  
O'Hearn, Jane  
Simon, Anthony

Arnold, Thomas Jr  
Bergin, Peter  
Cote, Peter  
Drabinowicz, A Theresa  
Foster, Linda  
Haettenschwiller, Alphonse  
Keye, Harvey  
McColgan, Philip Jr  
Messier, Irene  
Peterson, Andrew  
Thulander, O Alan

Arthur, Rose  
Buckley, Raymond  
Craig, James  
Durham, Susan  
Garrish, Linda  
Herman, Richard  
Konys, Christine  
McDonough-Wallace, Alice  
Moriarty, Mary  
Reidy, Frank  
White, John

Baroody, Benjamin  
Carlson, Donald  
Curran, James  
Dwyer, Paul Sr  
Goley, Jeffrey  
Jean, Claudette  
Lasky, Bette  
Melcher, Harold  
O'Connell, Timothy  
Sarette, John  
Williams, Carol

**MERRIMACK**

Brewster, Richard  
Fortnam, Janet  
Hess, David  
Maxfield, Roy  
Rodd, Beth  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Hoadley, Elizabeth  
Moore, Carol  
Rosenfield, Jay

Davis, Francis  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria

Feuerstein, Martin  
Gile, Mary  
Marshall, Kenneth  
Poulin, Dave  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Cox, Russell  
Flanders, David  
Hutchinson, Rebecca  
Langone, John  
Shelton, Richard

Blanchard, MaryAnn  
Dearborn, Bruce  
Francoeur, Sheila  
Johnson, Robert  
Norelli, Terie  
Tufts, J Arthur

Clark, Martha  
Downing, Michael  
Gibbons, Paul  
Kane, Cecelia  
O'Keefe, Patricia  
Vaughn, Charles

Cooney, Richard  
Flanagan, Natalie  
Henderson, Warren  
Kelley, Jane  
Schanda, Frank  
Zolla, William

**STRAFFORD**

Brennan, William  
Domingo, Baldwin  
Kaen, Naida  
Rogers, Rose Marie  
Twardus, Joseph

Callaghan, Frank  
Dunlap, Patricia  
Keans, Sandra  
Rollo, Michael  
Vachon, Dennis

Cossette, Larry  
Estabrook, Iris  
Knowles, William  
Smith, Marjorie  
Wall, Janet

DeChane, Marlene  
Gilmore, Gary  
Lent, Donald  
Taylor, Kathleen

**SULLIVAN**

Allison, David  
Jones, Constance

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John  
Wiggins, Celestine

Flint, Gordon Sr  
Young, David

and the majority report was adopted.

Ordered to third reading.

Rep. Dalianis declared a conflict of interest and did not participate.

**CACR 33**, relating to meetings of the legislature. Providing that the legislature shall assemble biennially. **OUGHT TO PASS**

Rep. Gene G. Chandler for Legislative Administration: CACR 33 would allow the citizens of New Hampshire to vote on the question of whether the legislature should meet biennially. Meeting every year has become increasingly difficult for segments of our society, most importantly citizens with regular jobs and young people with families. Despite meeting annually we still have a two-year budget and if issues come up during the off year, a special session can always be called. If a number of bills were sent to study in the off year the workload for members would be far less than a regular session and more meaningful thought could be put into important issues. If we are to truly be a citizen's legislature we need to avail ourselves of every opportunity to allow all segments of our state to become involved, without creating undue hardship. Vote 10-4.

Rep. Jacobson spoke against.



Rep. Mock spoke in favor.

On a division vote, 171 members having voted in the affirmative and 151 in the negative, the report failed lacking the constitutionally required three-fifths.

Rep. Chandler moved Refer for Interim Study.

### LAI'D ON THE TABLE

Rep. Wallin moved that **CACR 33**, relating to meetings of the legislature. Providing that the legislature shall assemble biennially, be laid on the table.

On a division vote, 236 members having voted in the affirmative, and 86 in the negative, the motion was adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1598-L**, relative to fluoride in drinking water. **INEXPEDIENT TO LEGISLATE**

Rep. Betsey L. Patten for Municipal and County Government: The current procedures for the introduction of fluorides into a public water supply specify the requirements for a public hearing, voter referendum with a majority vote, the engineering and public health merits of the fluoridation proposal and the approval of the Department of Environmental Services. HB 1589 would increase the voter referendum margin to a 2/3 (two-thirds) super majority. The simple majority referendum vote has served public health interests well over a number of years as evidenced by the 10 water works systems which currently fluoride their water. The Municipal & County Government Committee did not hear sufficient evidence that fluoride use in a public water supply requires a change from a majority vote to a super majority vote. There are two local issues that require a super majority. Approving a bond issue and changing the form of government. On the State level, a super majority is required to change the New Hampshire State Constitution. The Municipal & County Government Committee believes that a super majority vote should be reserved for bonding issues and a change in the form of government. Vote 9-5.

Adopted.

**HB 1229**, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: This bill would require that the Public Utilities Commission (PUC) complete a traditional rate case for Public Service of New Hampshire prior to legislative authorization of the proposed Settlement with PSNH. Per the proposed legislation, a completed rate case would provide a "benchmark comparison" with the Settlement. The majority of the STE Committee is very sympathetic to the goal of the sponsor. This is why the majority will propose that the bill be laid upon the table pending a final order by the PUC on an expected outcome of a rate case. The majority believes this is the best way for the House to retain full control over this critical issue affecting the proposed PSNH Settlement. According to Chapter 289, enacted in July 1999, the PUC is already charged with comparing or benchmarking the projected electric rates of the Settlement with electric rates that would be expected under a traditional rate case. While comparing the expected electric rates of the Settlement to an expected rate case outcome is not the same as completing the rate case, the process is similar. Rate case related testimony by three different witnesses has been submitted to the PUC. These three witnesses project entirely different results were the PUC to complete a rate case for PSNH. One witness, a proponent of the Settlement, projects a rate case would yield rate decreases of 3.5%. A second witness, representing PUC staff, has testified a rate case could yield rate reductions of 7.5% to 12% with a 10% rate reduction likely. Lastly, the Office of Consumer Advocate has projected that a rate case could reduce electric rates 11-16%. Additionally the consumer advocate testified that rate reduction could exceed 25% when refunds from past over charges are factored in. With such a wide disparity of views being submitted as testimony to the PUC, the majority of the STE Committee believes it is prudent to lay this bill on the table while awaiting the actual final orders of the PUC comparing the electric rates of the Settlement to a realistic outcome of a rate case. If the PUC rules that a completed rate case is likely to produce customers benefits as great or better than the Settlement, the STE Committee is very likely to request that the House remove the bill from the table and pass it immediately! It is expected that the PUC orders will be completed by early April with the benchmark comparison also required to be completed. The majority believes it is therefore

prudent to await the PUC orders before taking further action when all the facts are known. Laying the bill on the table leaves the House with all its options and time enough to act. Vote 14-2.

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: Ratemaking has always been and likely will remain the responsibility of individual states. By the ratemaking process utilities are guaranteed a fair return and ratepayers a fair rate. Under the Northeast Utilities (NU) Agreement, New Hampshire was to return to traditional ratemaking in the summer of 1997. New Hampshire last had a ratemaking procedure in the late 1980's. Since then it has been governed by the annual increases in the 1990's dictated by the NU Rate Agreement. As a result New Hampshire has the highest rates in the nation. In the proposed settlement the majority of the committee is seemingly placing faith in the Public Utilities "benchmarking" of what a rate case result would be. "Benchmarks" have no validity in law or ratemaking. Benchmarks are just the commission's best guess of what a rate case result might be were a rate case held. The minority believes that New Hampshire ratepayers deserve a true, honest ratemaking process as a necessary first step. A rate case is relatively simple and quick especially as compared to the proposed settlement. Were a rate case initiated at the same time as this settlement it would likely have been resolved several months ago. The settlement still has no end in sight and like the NU Agreement, the settlement produces rates with no basis in ratemaking principles. Passage of this legislation at this time does not harm the legislature in the settlement process, indeed it could serve to strengthen the legislature's ability to negotiate a fair accord. Sending this legislation to interim study or tabling it jeopardizes the ability of this legislature to pass this simple and fair legislation.

Rep. Rose spoke in favor and yielded to questions.

### LAIID ON THE TABLE

Rep. Bradley moved that **HB 1229**, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH, be laid on the table.  
Adopted.

### REGULAR CALENDAR (CONT'D.)

**HB 1281**, relative to disqualification of public utility commissioners. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Gary R. Gilmore for Science, Technology and Energy: Current law establishes that a commissioner may be disqualified from a particular docket. There currently is no guidance as to how a disqualification request should be handled. This legislation establishes a simple expedient procedure by which the process can be conducted in an impartial and fair manner to all parties. Rather than the commissioners writing their own opinion as to why they should or should not be disqualified from a particular docket, the bill refers a disqualification request to a master appointed by the Supreme Court. Vote 9-7.

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The minority of the committee believes that this bill is undesirable. Once a person has been appointed to an office by governor and council, we should not be looking for ways to make it easier to deprive them of that office on a case by case basis, no matter what the office and no matter how important the case. The committee heard testimony that the existing process for treating requests for disqualifying a public utilities commissioner has only been needed twice in the last 20 years. The presumption should be that a person appointed to an office by governor and council is generally capable of determining when a conflict of interest exists, and there are ample opportunities to appeal a decision under the current process. The courts have enough to do without becoming the party of first resort for every request that a commissioner disqualify himself or herself.

### Amendment (3315h)

Amend RSA 363:19-a as inserted by section 1 of the bill by replacing it with the following:

363:19-a Disqualification Request. Any party, as defined in RSA 363:30, V, may request the disqualification of a commissioner from a specific docket or dockets. If the commissioner does not disqualify himself or herself following the request, the request shall be referred to the supreme court for the appointment of a judicial referee to conduct a hearing and make findings of fact and rulings. The hearing on the disqualification request shall be held within 60 days from the filing date of the disqualification request. Within 30 days after the hearing the judicial referee shall issue a decision on the request. The decision shall be subject to the procedure for rehearings and appeals prescribed by RSA 541.

Adopted.

Rep. MacGillivray spoke against.

Rep. Gilmore spoke in favor.

On a division vote, 157 members having voted in the affirmative and 143 in the negative, the majority report was adopted.

Ordered to third reading.

**HB 1609**, establishing a commission to study issues of diversity, immigration, and English as a second language in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Michael O'Neil for Executive Departments and Administration: This bill would establish a 24 member state commission on cultural diversity and immigration which would study issues surrounding English as a second language and immigration patterns with particular focus on the changing economic and educational needs of the diverse cultures in the state. After much discussion, the committee voted inexpedient to legislate. It was the consensus of the committee that the issues of cultural diversity are best handled at the local level where the community can address the problems directly affecting them. Vote 18-0.

Rep. Garrish spoke against.

Adopted.

**HJR 23**, urging the executive branch to negotiate an expedient settlement resolving the Claremont dispute. **INEXPEDIENT TO LEGISLATE**

Rep. Charles L. Vaughn for Finance: This joint resolution tells the executive branch that it should negotiate a settlement with the Claremont II plaintiffs to resolve the dispute as quickly as possible because further delay has a detrimental impact on the delivery of public education to the children of the state. Ideas expressed in the resolution are devoutly wished by all members of the New Hampshire House as citizens' representatives. Still, committee members questioned the probity of the general court demanding certain actions of the chief executive even if the word "ought" might moderate the bluntness of a resolution about the Claremont dispute. Separation of powers requires understanding and respect for the functions of each branch. Thus the committee found the resolution inexpedient to legislate. Vote 20-0.

Adopted.

**HB 1177**, relative to the effective date of legislation establishing a chartered or statutory legislative committee. **INEXPEDIENT TO LEGISLATE**

Rep. Merton S. Dyer for Legislative Administration: This bill will establish the effective date of chapter and statutory study committees approved by the legislature to be effective upon passage of the bill authorizing the study committee. This will allow the appointing authorities to make appointments immediately after passage and allow the committee to begin their work in a timely fashion. Vote 13-0.

Rep. Dyer spoke against.

The report failed

Rep. Dyer moved Ought to Pass and spoke in favor.

Adopted and ordered to third reading.

**HB 1231**, requiring proposed legislation to be reviewed by a house or senate special committee to determine constitutionality prior to its introduction. **INEXPEDIENT TO LEGISLATE**

Rep. John H. Thomas for Legislative Administration: The committee voted this bill inexpedient to legislate because the legislature proposes, the governor executes, and the judicial system interprets. The house, which is ever-changing, has good common sense but may not have the expertise and the research capabilities to determine the constitutionality of all legislation before it has been introduced and heard. The state constitution is one item, but the United States Constitution is another matter. The bill allows only the special committee to make amendments or recommends that the bill not be passed. There is no provision on what action will be taken if the committee finds the bill is not in conflict with the constitution. Vote 13-1.

Rep. Mirski spoke against.

Adopted.

**HB 1452**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donnalee Lozeau for Legislative Administration: The amendment replaced the bill which created a study committee to look at recodification of laws relating to the joint legislative facilities



committee. The committee believes it is reasonable to put into statute the current responsibilities of the joint facilities committee. The sponsor's primary concern was that session law contained most of this information. When people look for information they are most accustomed to looking in the RSA's. This now accomplishes the recodification goal. Vote 12-0.

Rep. Dyer moved Re-commit to Committee.

Adopted.

### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 30, 2000 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 1611**, recodifying the state's DWI laws.

**HB 1621-FN**, allowing administrative home confinement for habitual offenders.

**SB 336**, relative to the issuance of fire permits.

**HB 1195**, making technical changes to the law regulating acupuncture.

**HB 1203-L**, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.

**HB 1338**, increasing the membership of the American and Canadian French cultural exchange commission.

**HB 1371**, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

**HB 1467-FN**, relative to the registration of mail-order pharmacies.

**HB 1606-FN**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

**HB 1459**, requiring the state police to record and update information relative to the charges of criminal and civil non-support.

**HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

**HJR 22**, relative to the unintended consequences of the Balanced Budget Act of 1997.

**HB 1506**, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C.

**HB 1145**, limiting the liability of state certified fire instructors.

**HB 1144-L**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

**HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

**HB 1294-L**, relative to regional planning commissions.

**HB 1563-FN-L**, establishing the Wolfeboro Airport Authority.

**HB 1622-L**, eliminating the requirement that a deputy town clerk have his or her domicile within the town.

**SB 333**, relative to signs for churches.

**HB 1209**, relative to the construction and reconstruction of class B and class C dams.

**SB 331**, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation.

**SB 381-FN**, relative to registration fees for off-highway recreation vehicles.

**HB 1107**, relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion.

**HB 1412**, relative to electric customer-generators.

**HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests.



**HB 1431**, relative to protective orders in domestic violence cases.

**HB 1270-FN-L**, relative to charter schools and open enrollment districts.

**HB 1308**, relative to nomination paper requirements.

**HB 1418-FN-L**, relative to mercury-containing products.

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.

**HB 1188-FN-L**, relative to alternative kindergarten programs.

**HB 1468-FN**, relative to the registration of pharmacy technicians.

**HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

**HB 1236**, relative to an informed jury.

**HB 1281**, relative to disqualification of public utility commissioners.

**HB 1177**, relative to the effective date of legislation establishing a chaptered or statutory legislative committee.

### UNANIMOUS CONSENT

Reps. Burling, Craig and Kennedy addressed the House.

Rep. Dokmo moved that the remarks made by Rep. Burling be printed in the Journal.

Adopted.

Rep. Burling: Thank you, Madam Speaker and thank you, my colleagues. This is not an easy task. We all know what an extraordinary place of extremes this House can be. Last week I was moved and amazed to watch as representatives came to these two speaking places and shared not only their intellectual views about important issues but opened their hearts and in some cases, opened their faiths to us, that we might examine them and understand their minds. That process reached a particular point when two representatives, both, I'm proud to say, members of the New Hampshire Bar and members of this House, stood before us and talked about the reasons that they had tried to amend a bill that was before us to make that bill constitutional. It is then, with shock and dismay, that I read this in the newspaper published in Manchester. There are right ways and wrong ways of speaking about politics and faith and human worth and what we do in this House. This particular effort is as bad a job as I have ever seen. It's bad not because it disagrees with what a given representative said in here. It is bad because it attacks the given representative's faith. It attacks the vulnerability that he exposed when he tried to speak about what he was doing. It denigrates and condemns his relationship to God and that is without mercy and it is without reason and it will not be tolerated. I rise today to say something to my colleague from Manchester, Rep. Craig. I want to say just these words: "I am proud of you and I'm proud to call you a colleague and a fellow member of the Bar. I'm dazzled that you were willing to show us the nature of your faith and the amount of hurt that you were experiencing as you tried to make your way through a tough issue. I just want to say to all of my colleagues, but particularly to you, whenever you do something that brave you'll have my support and the support of all of us in this House and I say, thank you".

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate Messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 6:05 p.m.

### RECESS

(Rep. Keith Herman in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 246, 1114, 1126, 1134, 1196, 1206, 1225, 1283, 1287, 1378, 1409, 1455 and 1523 and Senate Bills 341, 355 and 382.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 12

Thursday, March 30, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, we pause to thank You for the blessings of this day before resuming the responsibilities of government in our beloved New Hampshire. Both March and its madness are almost at an end, but before the clock runs out we wish to remember David and Paula Bonner, the faithful and dedicated parents of our native son, Matt, whose basketball dream of "Final Four" competition continues this weekend. Bless all parents whose work, dedication and love encompass the children who grace their lives, and may all of us draw strength and wisdom from the examples set by David and Paula who serve their family and our community in countless ways. And Lord, a few more points for Matt this weekend would be a real slam-dunk! Amen.

Rep. Stone led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Clemons, Patricia Cote, Eaton, Gibbons, Heon, Lovejoy, Perkins and Searles, the day, illness. Reps. Bergeron, DePecol, Doucette, Haley, Lavoie, Lessard, Lundborn, McRae, O'Keefe, O'Neill, Pantelakos, Picconi, Spear, Torressen, Weatherspoon, Welch and Woodward, the day, important business.

Rep. Withee, the day, death in the family.

Reps. Dawe and Tara Reardon, the day, illness in the family.

### INTRODUCTION OF GUESTS

Louise Remington, guest of Rep. Alger. Aimee Lynn and Amanda Jean Merrill, granddaughters of Rep. Merrill. Pam Weaver, guest of Rep. Chandler. Barbara Brewster and Audry Schaefer, wife and guest of Rep. Brewster. Dr. Dov Levy and Bobbi Hoffman, guests of Rep. Rosenfield.

### SPECIAL GUESTS

The Sunapee Middle High School Girls' Varsity Volleyball Class S Championship Team, guests of the House.

Francine Balboni and Pamela Griffiths, recipients of this year's OWLS Scholarship awards, guests of the House.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### REGULAR CALENDAR

**HB 1164**, relative to insurance compliance self audits. REFER FOR INTERIM STUDY

Rep. Stephen G. Avery for Commerce: This bill aims at encouraging insurance companies to conduct voluntary, internal self-audits to assure that their activities are complying with legal and regulatory requirements. The bill would protect the results of such self-audits from forced disclosure in private lawsuits or administrative proceedings, while at the same time providing continued access by the New Hampshire Insurance Department. The bill appears to have been carefully drafted in consultation with the insurance department, which testified in support. The bill would extend protection to insurance company self-audits that are similar to what present law provides, for quality assurance self-audits by hospitals, nursing homes and clinics. However, as applied to insurance companies, the proposal is fairly new and has been adopted in only a few other states, although similar legislation has been introduced in many states. The committee would prefer to take a longer look at the bill and at actions taken in others states, than time currently permits during the present session. Accordingly, the committee is recommending serious interim study. Vote 18-2.

Adopted by the necessary two-thirds.

**HB 1183**, relative to consumer access to providers for the term of the consumer's health benefit plan and extending the reporting date of a committee. **OUGHT TO PASS WITH AMENDMENT** Rep. Sheila T. Francoeur for Commerce: This bill, as amended, will provide that when a health plan is terminated, there will be a grace period of 90 days from the renewal date of the plan, for covered persons to have continued access to providers of health care services. This bill was in response to the Tuft's Health Plan situation and the large number of individuals who were left without a health carrier. The termination transition in this bill will help to avoid similar situations from developing in the future. The bill also expands and extends the study of 1199,155:2 and includes investigating specific problems within the health care industry and the feasibility of creating a health care oversight entity. Vote 19-0.

### Amendment (3715h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Consumer Access to Network Providers. Amend RSA 420-J:8 by inserting after paragraph X the following new paragraph:

XI. Every contract entered into after September 30, 2000 between a health carrier and any institutional provider or provider organization that includes more than 10 providers shall contain a provision addressing continued access to providers subsequent to the non-renewal of the contract. The effect of this provision shall be to assure that covered persons will have continued access to the institutional provider or to providers within the provider organization in the event that the health carrier and the institutional provider or provider organization fail to renew their contract as of its termination date. The continued provider access that covered persons are entitled to under this paragraph shall be in accordance with the terms and conditions of the covered person's health benefit plan and the prior contract between the health carrier and institutional provider or provider organization. Such provider access shall be made continuously available until the renewal date of the health benefit plan or 90 days after the contract termination date, whichever is sooner. Within 5 working days of the contract termination, the health carrier should provide written notice to affected covered persons explaining their continued access rights.

2 Members Added. Amend 1999, 155:2, I to read as follows:

I. The members of the committee shall be as follows:

(a) [~~Three~~] **Five** members of the house of representatives, at least 2 of whom shall be from the house commerce committee, appointed by the speaker of the house.

(b) [~~Three~~] **Five** members of the senate, appointed by the president of the senate.

3 Duties Added; Quorum; Report Date Extended. Amend 1999, 155:3-5 to read as follows:

155:3 Duties. The committee shall study the financial arrangements and contracts among hospitals, health care providers, and insurance companies. The study shall include, but not be limited to, how these arrangements affect insurance premiums and health care costs in New Hampshire. The committee shall examine how reimbursement rates are determined and withholdings are calculated. *The committee shall investigate health care issues and specific problems within the health care industry. The committee shall also study the feasibility of creating a health care oversight entity.* The committee may seek outside information from any relevant source.

155:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. [~~Four~~] **Six** members of the committee shall constitute a quorum.

155:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [~~1999~~] **2000**.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill requires continued consumer access to certain network providers for the term of the consumer's health benefit plan when health carriers and hospitals or provider organizations fail to renew their contract.

This bill also adds members and duties to and extends the reporting date of the committee to study certain financial arrangements established in 1999, 155.

Adopted the necessary two-thirds.

Report adopted and ordered to third reading by the necessary two-thirds.

**HB 1317**, relative to rights of rental applicants. INEXPEDIENT TO LEGISLATE

Rep. Tara G. Reardon for Commerce: This bill would apply to an individual renting only one apartment unit every couple of years, as well as large professional landlords. The reason for the denial of housing may be a combination of factors as compared to other applicants. The committee felt this provision was onerous because it levies a minimum \$200 fine when no real incidents or problems were identified at the hearing. Vote 14-5.

Adopted by the necessary two-thirds.

**HB 1335**, requiring hospitals to disclose certain information to the attorney general. OUGHT TO PASS WITH AMENDMENT

Rep. Gene B. Marshall for Commerce: This bill, the result of a chapter study on financial relationships in the health care industry, requires that hospitals and physician hospital organizations (PHO) disclose certain financial information to the Attorney General on an annual basis. Such information is to include financial relationships between the hospital and the PHO; the number of providers; and the frequency of negotiations. The report shall be a public record pursuant to RSA 91-A: 4 and RSA 91-A: 5, IV. Vote 16-1.

**Amendment (3733h)**

Amend the bill by replacing section 1 with the following:

I New Subdivision; Hospitals and Physician Hospital Organizations. Amend RSA 151 by inserting after section 30 the following new subdivision:

Hospitals and Physician Hospital Organizations

151:31 Disclosure of Information; Hospitals and Physician Hospital Organizations.

I. Hospitals, as defined in RSA 151-C:2, shall make an annual report, beginning on November 1, 2000, to the attorney general including the following information:

(a) The hospital's financial relationships with physician hospital organizations.

(b) Number and type of providers employed by the hospital and contracting with physician hospital organizations.

(c) Frequency of contract negotiations with providers and physician hospital organizations.

II. The attorney general may review contracts resulting from the relationships set forth under paragraph I.

III. The attorney general may disclose all information required under this subdivision to the commissioner of the department of insurance, the commissioner of the department of health and human services, and any state or federal law enforcement agency.

IV. The annual report shall be a public record pursuant to RSA 91-A:4. The attorney general may, at the request of a submitting party, deem information contained in the annual report or records submitted with the annual report, to be confidential, commercial or financial information which is exempt from public disclosure pursuant to RSA 91-A:5, IV.

## AMENDED ANALYSIS

This bill requires hospitals to disclose information regarding financial relationships with physician hospital organizations to the attorney general.

Adopted by the necessary two-thirds.

Report adopted and ordered to third reading by the necessary two-thirds.

**HB 1361**, relative to ingredients in restaurant-prepared meals. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce: Allergic reactions to some foods prepared in restaurants can be a problem for some people. The sponsor did a good job pointing out many of the hazards that can occur. The New Hampshire Lodging and Restaurant Association will be working with the



sponsor and the State Division of Public Health to better educate all food service establishments about the needs of these patrons, and the procedures that should be taken to prevent allergic reactions. The committee felt that increasing the food industries' and customers' awareness was the way to go at this time and that if improvements were not made, the sponsor could introduce new legislation next session. Vote 13-4.

Adopted by the necessary two-thirds.

**HB 1403**, relative to ownership of property appraisals. **INEXPEDIENT TO LEGISLATE**

Rep. Joseph D. Kenney for Commerce: This bill establishes that property appraisals maintained by a bank are the personal property of the real estate owner. Several factors suggest that this legislation is impractical. There are numerous types of appraisals and they become outdated very quickly based on a changing market. Currently, federal law requires that a bank provide a copy of an appraisal to anyone who pays for it. Additionally, federal law requires a bank to maintain a list of qualified appraisers and to use only those appraisers. The bill also allows the real estate owner to own the appraisal, not necessarily the person who has paid for it. Vote 10-8.

Adopted by the necessary two-thirds.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

**HB 1451**, establishing a committee to study the concept of a Northeastern regional compact on matters of interstate commerce. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis P. Vachon for the Majority of Commerce: The majority of the committee applauds the sponsors of HB 1451 for wanting to establish a committee to study matters of interstate commerce among the northeastern states. This issue is so important that the majority of the committee would like to inform House members that partnerships between state governments in the Northeast as well as across the nation already exist. The National Council of State Legislators (NCSL) and the Council of State Government/Eastern Regional Conference (CSG/ERC) currently meet regularly on matters of interstate commerce. CSG/ERC works with the private sector to facilitate regional cooperation as well as international trade from the Northeast. Instead of establishing a study committee, more legislators should be encouraged to become involved in existing programs promoting interstate commerce. Vote 9-8.

Rep. Keith R. Herman for the Minority of Commerce: This is a simple study committee bill to look into forming a Northeast Regional Compact on interstate trade. Heating oil, prescription drugs, health insurance, and criminal justice are all topics currently being considered on a regional basis. With the growing use of the Internet and the blurring of tax differences between the states, the legislature must be involved with the efforts of the governor's office, various state departments, and private enterprises. The minority feels that because the Commerce Committee has traditionally studied these issues, creation of this study committee makes sense.

Rep. Dickinson spoke against.

Rep. Crosby spoke in favor and yielded to questions.

On a division vote, 162 members having voted in the affirmative, and 137 in the negative, the majority report was adopted.

**HB 1589**, prohibiting the use of genetic testing for certain insurance policies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Stephen G. Avery for the Majority of Commerce: This bill, as amended, will affect only long-term care insurance. The committee felt that banning genetic testing with life insurance would be disruptive to the marketplace and would hurt New Hampshire's citizens' availability to buy life insurance. Long-term care insurance is a relatively new product and therefore this bill, as amended, will have a lesser impact on premiums. Given that genetic testing is rarely, if at all done today, and with advice from the insurance department, the committee decided it is premature to ban genetic testing before any consumers have yet to be harmed. This amendment is the same bill that was passed by the house in 1997. Vote 11-7.

Rep. Dennis P. Vachon for the Minority of Commerce: Those of us on the committee who voted against the subcommittee amendment feel that the bill as originally submitted offers a preferable public policy position on the issue. The subcommittee amendment would remove the provision, which would have included life insurance policies of less than \$500,000.00 in the ban against re-

quiring genetic testing or the disclosure of such testing as a condition of coverage. Only a minority of the committee appears to support the concept that such a ban would eliminate the possible chilling effect on the use of genetic testing that allowing insurers to utilize such information has on individuals who might otherwise benefit from it as a health screening device. Unlike the majority of the committee, we believe that the possibility that people are inhibited from using genetic testing to learn if they are hereditarily prone to such diseases as breast cancer outweighs any hypothetical, adverse selection consequence for life insurers.

#### Amendment (3705h)

Amend the bill by replacing all after the enacting clause with the following:

1 Long-term Care Insurance Coverage. Amend RSA 141-H:4 and RSA 141-H:5 to read as follows:

141-H:4 Use of Genetic Testing in Health Insurance *and Long-term Care Insurance*. ~~[A health]~~ *An* insurer in connection with providing health insurance *or long-term care insurance* shall not:

I. Require or request directly or indirectly any individual or a member of the individual's family to undergo genetic testing.

II. Require or request directly or indirectly any individual to reveal whether the individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

III. Condition the provision of health insurance coverage, *long-term care insurance coverage*, or health care benefits on whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

IV. Consider in the determination of rates or any other aspect of health insurance coverage, *long-term care insurance coverage*, or health care benefits provided to an individual whether an individual or a member of the individual's family has undergone genetic testing or the results of the testing, if undergone by the individual or a member of the individual's family.

141-H:5 Use of Genetic Testing in Life[;] *and* Disability Income[; ~~and Long-term Care~~] Insurance

I. Except as provided in paragraph II of this section, the provisions of this chapter shall not apply to the provision of life insurance[;] *or* disability income insurance[; ~~or long-term care insurance~~].

II. A person in the business of providing life[;] *or* disability income[; ~~or long-term care~~] insurance who obtains information with respect to any genetic testing of an individual or a member of the individual's family shall not use that information in writing a type of insurance coverage other than life[;] *or* disability income[; ~~or long-term care~~] insurance.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides that an insurer providing long-term care insurance shall not require persons to undergo genetic testing unless under the terms of an employee benefit plan.

Rep. Vachon spoke against.

Rep. Hunt spoke in favor.

On a division vote, 155 members having voted in the affirmative and 149 in the negative, the majority amendment was adopted.

Majority report adopted and ordered to third reading.

**HB 1224**, relative to the process for nonrenewal of teacher contracts. **OUGHT TO PASS WITH AMENDMENT**

Rep. Warren C. Henderson for Education: Reform of what the public knows as "teacher tenure" is one of the most widely supported education initiatives. The committee heard compelling testimony that the problem of "non-renewing" teachers who are deemed nonperforming is real and it is serious. The current process is so long, so convoluted and so expensive that it clearly is "broken". The committee heard nearly unanimous support for the bill, the only exception being representatives of the teachers' unions. Reforming our educational system will be a lengthy process. Reforming teacher tenure is a very positive step forward in the process. Vote 12-7.

#### Amendment (3894h)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect January 1, 2001.

Adopted.

Reps. Arthur Pelletier and Brennan spoke against.  
 Reps. Henderson and O'Hearn spoke in favor and yielded to questions.  
 Rep. Yeaton requested a roll call; sufficiently seconded.  
 The question being the adoption of the report.

**YEAS 220 NAYS 114****YEAS 220****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen	Hunt, John	Lerandeau, Alfred	Manning, Joseph
Meader, David	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Tholl, John Jr

**GRAFTON**

Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Marshall, Gene	Phinney, William	Scanlan, David	Solow, Martha
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Gagnon, Eugene	Ginsburg, Ruth
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McColgan, Philip Jr
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sarette, John	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Wall, Nancy	White, Donald

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Chase, George
Davis, Francis	Feuerstein, Martin	Hager, Elizabeth	Hess, David

Hoadley, Elizabeth  
Larrabee, David Sr  
Marshall, Kenneth  
Virtue, Carolyn

Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Whalley, Michael

Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis

Langer, Ray  
Marple, Richard  
Rodd, Beth

## ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Dalrymple, Janeen  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Raynowska, Bernard  
Stritch, C Donald  
Weyler, Kenneth

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne  
Ruffner, Walter  
Tufts, J Arthur  
Whittier, John

Belanger, Ronald  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Hutchinson, Rebecca  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II  
Stickney, Nancy  
Varrell, Thomas  
Zolla, William

Bishop, Franklin  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langone, John  
Moore, Benjamin  
Noyes, Richard  
Rabideau, Marie  
Stone, Joseph  
Weare, Everett

## STRAFFORD

Brown, Julie  
McKinley, Robert  
Taylor, Kathleen  
Woods, Phyllis

Cossette, Larry  
Musler, George  
Torr, Franklin

Dunlap, Patricia  
Snyder, Clair  
Vincent, Francis

Kaen, Naida  
Spang, Judith  
Wall, Janet

## SULLIVAN

Flint, Gordon Sr  
Phinizy, James

Jones, Constance  
Robb-Theroux, Amy

Kibbey, David

Leone, Richard

## NAYS 114

## BELKNAP

Salatiello, Thomas

## CARROLL

None

## CHESHIRE

Batchelder, Robert  
Lynott, Margaret  
Pratt, John  
Russell, Ronald

Blaisdell, Michael  
McGuirk, Paul  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Mitchell, McKim  
Riley, William

Lynch, Margaret  
Pratt, Irene  
Robertson, Timothy

## COOS

Glines, Sara

Mears, Edgar

Rodrigue, Robert

## GRAFTON

Amy, Susan  
Johnson, Gary

Copenhaver, Marion  
Nordgren, Sharon

Densmore, Jessica

Guest, Robert

## HILLSBOROUGH

Ahern, Richard  
Burkush, James  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
Lasky, Bette

Arthur, Rose  
Cote, David  
Franks, Suzan  
Haettenschwiller, Alphonse  
Keye, Harvey  
Leonard, Peter

Baroody, Benjamin  
Craig, James  
Garrish, Linda  
Hall, Betty  
Konys, Christine  
Lynde, Harold

Buckley, Raymond  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Herman, Richard  
LaPorte, George  
McCarthy, William



McDonald, James Sr	McDonough-Wallace, Alice	Mendenhall, Leslie	Moriarty, Mary
Reidy, Frank	Simon, Anthony	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Moore, Carol	Owen, Derek
Potter, Frances	Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard
Wallin, Jean	Wallner, Mary Jane	Whitemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Clark, Martha
DiFruscia, Anthony	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Norelli, Terie	Pitts, Jacqueline	Quandt, Marshall	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Johnson, Nancy	Keans, Sandra	Knowles, William
Lent, Donald	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Twardus, Joseph	Vachon, Dennis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Tuthill, John	Wiggins, Celestine		

and the report was adopted.

Ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

**HB 1427**, relative to the calculation of the days of school in the school year. REFER FOR INTERIM STUDY

Rep. P. Judith Sullivan for Education: This bill would allow local school boards to credit equivalent, total instructional hours toward the total required number of school days in a school year. The majority of the committee agrees with the intent of this bill, but believes there are several issues that need further study. Rule Ed. 306.05 has a process, which currently allows for this type of alternative scheduling, but only for one year at a time. The term "instructional hours", as referred to in Rules is not clearly defined. The majority of the committee recommends this bill to interim study. Vote 16-3.

Adopted.

**HB 1619-FN**, relative to school employee and volunteer background investigations. OUGHT TO PASS WITH AMENDMENT

Rep. Brien L. Ward for Education: This bill, as amended, prohibits an individual who is convicted of certain felony drug offenses from being employed or volunteering in New Hampshire schools. Appropriate governing bodies may, however, waive the prohibition of employment if the conviction date preceded the date of hire by at least 10 years. Vote 14-3.

**Amendment (3889h)**

Amend the bill by replacing all after the enacting clause with the following:

I Education; School Boards, Transportation and Instruction of Pupils; School Employee and Volunteer Background Investigation; Criminal History Records Information. RSA 189:13-a, II and III are repealed and reenacted to read as follows:

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, or charter school shall submit to the employer a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of information regarding the presence or absence of any record of convictions of the applicant of felonies or of the crimes listed in paragraph V. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee

of the school administrative unit, school district, or charter school. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the school administrative unit, school district, or charter school may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.

III. The school administrative unit, school district, or charter school shall submit the criminal history records release form to the New Hampshire state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the state police shall examine the list of crimes constituting grounds for non-approval of employment, or non-acceptance of volunteer services in that school administrative unit, school district, or charter school, and shall report the presence or absence of any such crime to the school administrative unit, school district, or charter school. Under no circumstances shall the criminal records be released to the school administrative unit, school district, or charter school. The state police shall simultaneously send the applicant a copy of the information sent to the hiring school administrative unit, school district, or charter school. The school administrative unit, school district, or charter school shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the school administrative unit, school district, or charter school shall destroy the information received immediately following its review of the information. If the criminal history records information indicates that the applicant has been convicted of a felony or of a crime listed in paragraph V, the school administrative unit, school district, or charter school shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such convictions. The school administrative unit, school district, or charter school shall destroy any criminal history record information that indicates a criminal record within 30 days of receiving such information.

2 Education; School Boards, Transportation and Instruction of Pupils; School Employee and Volunteer Background Investigation; Crimes Changed. Amend RSA 189:13-a, V to read as follows:

V. Any person who has been convicted of [~~murder, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping~~] *any violation or attempted violation of RSA 630:1, 630:1-a, 630:1-b, 630:2, 632-A:2, 632-A:3, 632-A:4 633:1, 639:2, 639:3, 645:1, I(b), 645:2, 649-A:3, 649-B:3, 649-B:4, any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene, or convicted, of any felony offense under RSA 318-B:26 which involves possessing, manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, or charter school. By decision of the appropriate governing body, a school administrative unit, school district, or charter school may deny a selected applicant a final offer of employment if such person has been convicted of any felony in addition to those listed above. The governing body may adopt a policy stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.*

3 New Paragraph; School Employee and Volunteer Background Investigation; Statute of Limitation Inserted. Amend RSA 189:13-a by inserting after paragraph V the following new paragraph:

V-a. Notwithstanding any other provision of the law to the contrary, upon approval of the appropriate governing body, a school administrative unit, school district, or charter school may hire an applicant or designated volunteer who has been convicted of a felony under RSA 318-B:26, or a reasonably equivalent offense in another state or territory of the United States, which involves possessing, manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, provided that the conviction date preceded the date of hire by at least 10 years.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill modifies the procedure for conducting a criminal background investigation on selected applicants for employment and designated volunteers with a school district, school administrative

unit, or charter school. The bill also prohibits a school district, school administrative unit, or charter school from hiring, in an employment or volunteer capacity, any person who has been convicted of a felony controlled drug offense.

Adopted.

Report adopted and ordered to third reading.

**HB 1252**, establishing a beneficial use policy for wastewater sludge and providing technical and education assistance to municipalities and their residents concerning the beneficial use of sludge.

**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**

Rep. Betty B. Hall for the Majority of Environment and Agriculture: DES has been given rulemaking authority by the legislature for regulating sludge and can provide technical and educational assistance under current rules. This bill is not needed. Vote 9-8.

Rep. Harold P. Melcher for the Minority of Environment and Agriculture: This bill establishes as a clear duty of the Department of Environmental Services to provide technical and educational assistance on both the benefits and the risks of recycling sludge and on how to improve sludge quality. The minority strongly supports that duty.

Reps. Patten and Melcher spoke against.

Reps. Owen and Betty Hall spoke in favor.

Rep. Tuthill spoke in favor and yielded to questions.

Rep. Betty Hall requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 199 NAYS 138

### YEAS 199

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Millham, Alida	Russell, David	Salatiello, Thomas	Turner, Robert
Wood, Jane			

#### CARROLL

Bradley, Jeb	Dickinson, Howard	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Sullivan, P Judith		

#### CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Zerba, Roger		

#### COOS

Gallus, John	Glines, Sara	Horton, Lynn	Landers, Dana
Mears, Edgar			

#### GRAFTON

Copenhaver, Marion	Gilman, G Michael	Guest, Robert	Hinman, Harry
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Solow, Martha

#### HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Beaupre, Roland	Bruno, Pierre	Buckley, Raymond	Burkush, James
Carlson, Donald	Chabot, Robert	Cote, David	Cote, Peter
Coughlin, Pamela	Daigle, Robert	Desmarais, Vivian	Desrosiers, William
Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren

Johnson, Lionel  
LaPorte, George  
McCarthy, William  
Mendenhall, Leslie  
Mosher, William  
Reidy, Frank  
Turgeon, Roland

Keye, Harvey  
Lasky, Bette  
McColgan, Philip Jr  
Messier, Irene  
Murphy, Robert  
Sarette, John  
Vaillancourt, Steve

Konys, Christine  
Leonard, Peter  
McDonald, James Sr  
Milligan, Robert  
O'Hearn, Jane  
Sargent, Maxwell  
White, John

L'Heureux, Robert  
Lynde, Harold  
McDonough-Wallace, Alice  
Moriarty, Mary  
Pepino, Leo  
Simon, Anthony  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
French, Barbara  
Kennedy, Richard  
Rodd, Beth  
Wallin, Jean

Asplund, Bronwyn  
Daneault, Gabriel  
Gile, Mary  
Lockwood, Priscilla  
Seldin, Gloria  
Wallner, Mary Jane

Bouchard, Candace  
Fortnam, Janet  
Hess, David  
Moore, Carol  
St Cyr, Gerard  
Yeaton, Charles

Brewster, Richard  
Fraser, Marilyn  
Jacobson, Alf  
Owen, Derek  
Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
Clark, Vivian  
Flanders, David  
Johnson, Robert  
Kelley, William  
Norelli, Terie  
Putnam, Ed II  
Ruffner, Walter  
Tufts, J Arthur

Belanger, Ronald  
DiFruscia, Anthony  
Flanders, John Sr  
Kane, Cecelia  
Kobel, Rudolph  
Nowe, Ronald  
Quandt, Marshall  
Shultis, Elizabeth  
Vaughn, Charles

Blanchard, MaryAnn  
Downing, Michael  
Hamel, Albert  
Katsakiores, George  
Moore, Benjamin  
Packard, Sherman  
Rabideau, Marie  
Splaine, James  
Zolla, William

Clark, Martha  
Fesh, Robert  
Hutchinson, Rebecca  
Kelley, Jane  
Morse, Charles  
Pitts, Jacqueline  
Reardon, Neil  
Stone, Joseph

### STRAFFORD

Berube, Roger  
DeChane, Marlene  
Grassie, Anne  
Knowles, William  
Smith, Marjorie  
Torr, Franklin  
Woods, Phyllis

Brennan, William  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Snyder, Clair  
Vachon, Dennis

Brown, George  
Estabrook, Iris  
Kaen, Naida  
Pelletier, Arthur  
Spang, Judith  
Vincent, Francis

Callaghan, Frank  
Gilmore, Gary  
Keans, Sandra  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Tuthill, John

Burling, Peter  
Jones, Constance  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Robb-Theroux, Amy

### NAYS 138

### BELKNAP

Boyce, Robert  
Rice, Thomas

Johnson, James  
Rosen, Ralph

Lawton, David  
Thomas, John

Pilliod, James  
Wendelboe, Francine

### CARROLL

Babson, David Jr  
Philbrick, Donald

Chandler, Gene

Mock, Henry

Patten, Betsey

### CHESHIRE

Avery, Stephen  
Roberts, William  
Smith, Edwin

Hunt, John  
Rose, William

Manning, Joseph  
Royce, H Charles

Meador, David  
Russell, Ronald

### COOS

Davis, Perley  
Rodrigue, Robert

Guay, Lawrence  
Tholl, John Jr

Merrill, Gerald

Pratt, Leighton



**GRAFTON**

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Densmore, Jessica	Hall, David	Ham, Bonnie	Harmon, Hobart
Marshall, Gene	Phinney, William	Scanlan, David	Ward, Brien
Weber, Phil			

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Calawa, Leon Jr	Christiansen, Lars
Clegg, Robert Jr	Craig, James	Dalianis, Griffin	Daniels, Gary
Dokmo, Cynthia	Emerton, Lawrence	Franks, Suzan	Gorman, Mary
Hansen, Herbert	Herman, Keith	Kurk, Neal	LaRose, Richard
Leishman, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McGough, Tim	Melcher, Harold	Mercer, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	Ouellette, Dean	Pappas, Marc
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	

**MERRIMACK**

Chase, George	Davis, Francis	Feuerstein, Martin	Hager, Elizabeth
Hoadley, Elizabeth	Langer, Ray	Larrabee, David Sr	Leber, William
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Potter, Frances	Rosenfield, Jay	Whalley, Michael	Whitemore, James

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Bishop, Franklin	Bridle, Russell
Case, Margaret	Cooney, Richard	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dowling, Patricia	Flanagan, Natalie	Francœur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Henderson, Warren
Langley, Jane	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Nowe, Mary Lou	Noyes, Richard	Priestley, Anne
Raynowska, Bernard	Rubin, George	Schanda, Frank	Shelton, Richard
Stickney, Nancy	Stritch, C Donald	Varrell, Thomas	Weare, Everett
Weyler, Kenneth	Whittier, John		

**STRAFFORD**

Brown, Julie	Cossette, Larry	Domingo, Baldwin	McKinley, Robert
Rollo, Michael	Twardus, Joseph		

**SULLIVAN**

Kibbey, David                      Leone, Richard  
 and the majority report was adopted.  
 Rep. Howard voted Yea and intended to vote Nay.

### **HB 1342-FN, relative to measurements of heavy metals and other compounds in sludge. OUGHT TO PASS WITH AMENDMENT**

Rep. Betty B. Hall for Environment and Agriculture: Uniform methods for testing sludge are required by EPA. Their protocol requires the result to be expressed in dry weight. NH DES takes the dry weight result and converts it to wet weight for the purpose of deciding whether the sludge measured is hazardous waste or not under the NH hazardous waste mixture rule. This rule will expire in August of 2000. This amendment is a compromise between DES and unsafe sludge opponents on the Committee. It will require DES to develop maximum allowable contaminant levels for each chemical listed in NH rules in a reasonable amount of time. Both sides believe this will result in realistic NH standard for sludge generated and imported in NH. Vote 8-5.

#### **Amendment (3872h)**

Amend the title of the bill by replacing it with the following:

**AN ACT**     directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge.

Amend the bill by replacing all after the enacting clause with the following:

I Department of Environmental Services; Concentration Limits for Volatile and Semi-volatile Organic Compounds in Sludge. The department of environmental services shall use its existing statutory authority to adopt by rule, in consultation with the health risk assessment bureau under RSA 125-H:3, II, concentration limits for each volatile and semi-volatile organic compound that the department requires testing for in sludges that are land applied. The department shall initiate rulemaking under RSA 541-A within 18 months of the effective date of this act for the following compounds:

- I. Bis(2-ethylhexyl) phthalate.
- II. Benzo(a)pyrene.
- III. Benzo(a)anthracene.
- IV. Benzidine.
- V. Acetone.
- VI. 4-Chloroaniline.
- VII. Carbon disulfide.
- VIII. Chloroform.
- IX. Methylene chloride.
- X. 2-Butanone (MEK).
- XI. 2-Hexanone.
- XII. 4-Methyl phenol.
- XIII. 1,2 Dichloroethane.
- XIV. Dichlorobromomethane.
- XV. Dibromochloromethane.
- XVI. 1,1,2,2 Tetrachloroethane.
- XVII. 1,2 Dibromo-3-chloropropane.
- XVIII. 1,2 Dibromoethane.
- XIX. Phenol.
- XX. Benzo(b)fluoranthene.
- XXI. Benzo(k)fluoranthene.
- XXII. Toluene.
- XXIII. Tetrachloroethene.
- XXIV. O,m,&p Dichlorobenzene.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill directs the department of environmental services to adopt by rule, in consultation with the health risk assessment bureau, concentration limits for each volatile and semi-volatile organic compound that the department requires testing for in sludges that are land applied. This bill also directs the department to initiate rulemaking within 18 months for certain specified compounds. Adopted.

Report adopted and ordered to third reading.

**HB 1410**, relative to the joint health council. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Executive Departments and Administration: This bill revised the joint health council for the purpose of improving the ability of the council to maintain the A.R.N.P. drug formulary and discuss matters of mutual concern. The changes include 1. Making a change in the membership of the council by adding a clinical pharmacist. The council will be composed of 3 licensed Advanced Nurse Practitioners, appointed by the board of nursing; 3 licensed practicing physicians, appointed by the board of medicine; and 3 licensed clinical pharmacists appointed by the board of pharmacy. 2. None of the members will be members of their respective professional board. 3. Providing for an appeals process to the council regarding formulary drug decisions. 4. Instructing that the A.R.N.P. drug formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy. A majority of the committee agreed that these were appropriate changes for the Joint Health Council. Vote 14-4.

**Amendment (3891h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Health Council; Membership; Duties. Amend RSA 326-B:10-a, I-III to read as follows:  
326-B:10-a Joint Health Council.

I. (a) The joint health council shall consist of ~~[the following]~~ 9 members *as follows*: ~~[the chair of the board of nursing, or designee who shall be a member of the board of nursing; one advanced registered nurse practitioner who is a member of the board of nursing currently licensed to practice nursing under RSA 326-B, appointed by the chair of that board; the chair of the board of medicine, or designee who shall be a member of the board of medicine; 2 physicians currently licensed to practice medicine under RSA 329 and who have worked collaboratively with advanced registered nurse practitioners, appointed by the chair of that board, provided that one of the physicians is a member of the board of medicine; the chair of the board of pharmacy, or designee who shall be a member of the board of pharmacy; and one member of the board of pharmacy currently licensed to practice as a clinical pharmacist under RSA 318, appointed by the chair of that board]~~ 3 licensed, practicing advanced registered nurse practitioners, appointed by the board of nursing; 3 licensed, practicing physicians, appointed by the board of medicine, who work with advanced registered nurse practitioners; and 3 licensed clinical pharmacists appointed by the board of pharmacy, who are practicing clinical pharmacists. In no case shall a member of the joint health council be a member of the member's respective board.

(b) The chairmanship of the council shall rotate annually among the ~~[representatives]~~ appointees of the respective boards. *Clerical support shall be provided on a rotating basis among the boards.*

(c) Members of the council shall be appointed for 3-year terms and shall serve no more than 2 terms.

II. The council shall meet not less than once every 3 months to discuss matters pertinent to the A.R.N.P. formulary and matters of mutual concern to the board of medicine, the board of nursing and the board of pharmacy, *unless there are no agenda items.* ~~[Each of the 3 boards]~~ Any council member may submit items to be assigned to the agenda for every meeting of the council. ~~[Any items on the agenda not addressed at a particular council meeting shall be decided at the next meeting of the council.]~~ Any council member may request that an item submitted for consideration by the council include relevant scientific information from recognized professional publications. A denial of a requested item or decision to further restrict a drug already approved shall be in writing and include relevant scientific information from recognized professional publications.

III. The duties of the joint health council shall include, but not be limited to, adding or altering the list of controlled and noncontrolled molecular entities on the A.R.N.P. formulary. Decisions on such additions or alterations shall be rendered within 3 months of initial consideration by the council *unless there is a request for additional scientific information.* ~~[Any new controlled or noncontrolled molecular entities, in accordance with federal Food and Drug Administration provisions in 21 C.F.R. part 312, that are available after September 1, 1994, shall be considered for approval by the board upon petition by advanced registered nurse practitioners and approved for use by advanced registered nurse practitioners only after an affirmative vote of the joint health council].~~ Appeals of decisions of the council shall be submitted to the council in writing for further deliberation by the council. The A.R.N.P. formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy.

2 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

Report adopted and ordered to third reading.

**HB 1610-FN**, regulating indoor tanning facilities. MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Sylvia A. Holley for Majority of Executive Departments and Administration: Patronizing indoor tanning facilities is a lifestyle choice. UVA rays may cause tan, aging of the skin, skin cancers and cataracts. UVB rays cause sunburn. Ultraviolet light can cause serious reactions. The committee recognized the need to require the salons to post warning signs and require written warning statements to be handed to all customers but felt more study was needed to effectively put

into place the requirement of licensure under the appropriate board, crafting the parental/guardian written consent form for minors under age 14 and the setting up of an inspection, monitoring and enforcement program. Vote 11-6.

Rep. Carolyn A. Virtue for the Minority of Executive Departments and Administration: The minority of the committee is very concerned about the public safety issues that were clearly identified in the public hearing and subsequent work session. Compelling testimony was given by licensed physicians who have treated patients with serious burns that resulted from the use of equipment at indoor tanning facilities. The amendment restricts the use of indoor tanning facilities by children. The amendment requires tanning facilities to post warning signs and establishes a committee to study the need for licensure of and to consider enforcing regulations for indoor tanning facilities. We agree with the majority that this issue requires further study, which the amendment provides for in addition to the warning.

Majority report adopted.

**HB 1485-FN**, relative to a certain proposed toll booth. **REFER FOR INTERIM STUDY**

Rep. Kenneth L. Weyler for Finance: The executive council has authorized a study to judge the financial effects of phasing out tolls on the New Hampshire Turnpike System. The report is due in August of this year. As this is a major policy shift in paying for some major highway projects, the committee felt that toll booth decisions should not be made until said report was evaluated. In the interim, the toll booth that is the subject of this bill has not been completed, does not collect tolls, and is specifically addressed in the study as not planned to produce revenue. Vote 23-1.

Adopted.

**HB 1557-FN-A**, increasing the cigarette tax. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: On July 6, 1999, the cigarette tax was increased by 15 cents per pack to 52 cents. As this began to affect state revenues there were other developments. The tobacco companies settled the suit to agree to pay damages to the states. The companies increased the cost of cigarettes to fund the settlement. All these developments have caused smokers to cut back, resulting in lower per pack sales. We experience approximately 30 per cent of sales to out-of-state buyers. A further tax increase will reduce the price advantage over bordering states and likely reduce sales further. Recent revenue figures suggest a decline in revenue for March of about 50% below plan. This may be a short-term trend or an indication of long-term decline. This revenue source has become so volatile that adding to the tax seems futile. Vote 21-4.

Rep. Fuller Clark spoke against.

Rep. Weyler spoke in favor and yielded to questions.

**MOTION TO LAY ON THE TABLE**

Rep. Pilliod moved that **HB 1557-FN-A**, increasing the cigarette tax, be laid on the table.

Rep. Keith Herman requested a roll call; sufficiently seconded.

**YEAS 145 NAYS 196**

**YEAS 145**

**BELKNAP**

Millham, Alida  
Wood, Jane

Pilliod, James

Rosen, Ralph

Salatiello, Thomas

**CARROLL**

None

**CHESHIRE**

Batchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Riley, William

Blaisdell, Michael  
Lynott, Margaret  
Pratt, Irene  
Russell, Ronald

Burnham, Daniel  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Lerandeau, Alfred  
Meador, David  
Richardson, Barbara

**COOS**

Glines, Sara

Mears, Edgar

Rodrigue, Robert



**GRAFTON**

Almy, Susan	Copenhaver, Marion	Guest, Robert	Ham, Bonnie
Johnson, Gary	Nordgren, Sharon	Solow, Martha	

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Cote, David	Cote, Peter	Craig, James
Daigle, Robert	Drabinowicz, A Theresa	Dwyer, Paul Sr	Ford, Nancy
Foster, Linda	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Leonard, Peter
Lynde, Harold	McCarthy, William	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Murphy, Robert	O'Hearn, Jane	Peterson, Andrew
Reidy, Frank	Sarette, John	Simon, Anthony	Turgeon, Roland
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Moore, Carol	Owen, Derek
Potter, Frances	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Cooney, Richard
Dearborn, Bruce	Downing, Michael	Hutchinson, Rebecca	Kane, Cecelia
Kelley, Jane	Norelli, Terie	Pitts, Jacqueline	Quandt, Marshall
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Vaughn, Charles			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

**NAYS 196****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Rice, Thomas
Russell, David	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen  
Robertson, Timothy

Hunt, John  
Rose, William

McGuirk, Paul  
Royce, H Charles

Roberts, William  
Smith, Edwin

**COOS**

Davis, Perley  
Landers, Dana

Gallus, John  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Hall, David  
Mirski, Paul

Cobb, John  
Harmon, Hobart  
Phinney, William

Densmore, Jessica  
Hinman, Harry  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Fields, Dennis  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
Martel, Andre  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O Alan

Andrews, Frederick  
Belvin, William  
Calawa, Leon Jr  
Clegg, Robert Jr  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Hansen, Herbert  
Jean, Loren  
Leishman, Peter  
McCarty, Winston  
Moran, Edward  
Ouellette, Dean  
Rowe, Robert  
Vaillancourt, Steve

Arnold, Thomas Jr  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
McGough, Tim  
Mosher, William  
Pappas, Marc  
Sargent, Maxwell  
Wall, Nancy

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Dokmo, Cynthia  
Fenton, James  
Gagnon, Eugene  
Holley, Sylvia  
L'Heureux, Robert  
MacGillivray, Jeffrey  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Tate, Joan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Hess, David  
Langer, Ray  
Marple, Richard  
Poulin, Dave

Asplund, Bronwyn  
Hoadley, Elizabeth  
Larrabee, David Sr  
Marshall, Kenneth  
St Cyr, Gerard

Brewster, Richard  
Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Whalley, Michael

Hager, Elizabeth  
Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman  
Raynowska, Bernard  
Stickney, Nancy  
Weare, Everett

Beaulieu, Jon  
Case, Margaret  
DiFruscia, Anthony  
Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne  
Reardon, Neil  
Stone, Joseph  
Weyler, Kenneth

Belanger, Ronald  
Clark, Vivian  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II  
Rubin, George  
Tufts, J Arthur  
Whittier, John

Bishop, Franklin  
Cox, Russell  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
Noyes, Richard  
Rabideau, Marie  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Brown, Julie  
McKinley, Robert  
Woods, Phyllis

Cossette, Larry  
Musler, George

Dunlap, Patricia  
Torr, Franklin

Keans, Sandra  
Vincent, Francis

**SULLIVAN**

Jones, Constance                      Kibbey, David                      Leone, Richard                      Phinizy, James

and the motion failed.

The question now being the adoption of the report.

Rep. Brewster spoke against.

Rep. Alukonis spoke in favor and yielded to questions.

Rep. Gilmore requested a roll call; sufficiently seconded.

**YEAS 212 NAYS 131****YEAS 212****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Rice, Thomas
Russell, David	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

**CHESHIRE**

Avery, Stephen	Blaisdell, Michael	Hunt, John	Lynch, Margaret
Lynott, Margaret	Meador, David	Roberts, William	Robertson, Timothy
Rose, William	Royce, H Charles	Smith, Edwin	

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr			

**GRAFTON**

Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Scanlan, David	Ward, Brien

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Fenton, James
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Gagnon, Eugene
Goulet, Maurice	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Leonard, Peter	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarthy, William	McCarty, Winston
McGough, Tim	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Daneault, Gabriel	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard

Langer, Ray  
Marple, Richard  
Poulin, Dave  
Whalley, Michael

Larrabee, David Sr  
Marshall, Kenneth  
St Cyr, Gerard

Leber, William  
Maxfield, Roy  
Virtue, Carolyn

Lockwood, Priscilla  
Nichols, Avis  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Cox, Russell  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Priestley, Anne  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Mikowski, Walter  
Nowe, Ronald  
Putnam, Ed II  
Reardon, Neil  
Stritch, C Donald  
Weyler, Kenneth

Beaulieu, Jon  
Case, Margaret  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Quandt, Marshall  
Rubin, George  
Tufts, J Arthur  
Whittier, John

Belanger, Ronald  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kelley, William  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Rabideau, Marie  
Stickney, Nancy  
Varrell, Thomas  
Zolla, William

### STRAFFORD

Bickford, David  
Dunlap, Patricia  
Rollo, Michael  
Woods, Phyllis

Brown, Julie  
Keans, Sandra  
Torr, Franklin

Callaghan, Frank  
McKinley, Robert  
Vincent, Francis

Cossette, Larry  
Musler, George  
Wall, Janet

### SULLIVAN

Kibbey, David

Leone, Richard

Phinizy, James

### NAYS 131

### BELKNAP

Millham, Alida  
Wood, Jane

Pilliod, James

Rosen, Ralph

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
Mitchell, McKim  
Riley, William

Burnham, Daniel  
Pratt, Irene  
Russell, Ronald

Lerandeau, Alfred  
Pratt, John  
Zerba, Roger

Manning, Joseph  
Richardson, Barbara

### COOS

Davis, Perley

Glines, Sara

### GRAFTON

Almy, Susan  
Ham, Bonnie

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Solow, Martha

### HILLSBOROUGH

Ahern, Richard  
Cote, David  
Drabinowicz, A Theresa  
Foster, Linda  
Goley, Jeffrey  
Hansen, Herbert

Arthur, Rose  
Cote, Peter  
Dwyer, Paul Sr  
Franks, Suzan  
Gorman, Mary  
Herman, Richard

Buckley, Raymond  
Craig, James  
Emerton, Lawrence  
Garrish, Linda  
Haettenschwiller, Alphonse  
Jean, Claudette

Burkush, James  
Daigle, Robert  
Flora, Kathleen  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey



Konys, Christine  
McColgan, Philip Jr  
Mendenhall, Leslie  
Peterson, Andrew  
White, John

Lasky, Bette  
McDonald, James Sr  
Moriarty, Mary  
Reidy, Frank  
Williams, Carol

Leishman, Peter  
McDonough-Wallace, Alice  
Murphy, Robert  
Sarette, John

Lynde, Harold  
Melcher, Harold  
O'Hearn, Jane  
Simon, Anthony

### MERRIMACK

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Potter, Frances  
Wallner, Mary Jane

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Rodd, Beth  
Whittemore, James

Chase, George  
Fortnam, Janet  
Moore, Carol  
Rosenfield, Jay  
Yeaton, Charles

Crosby, Toni  
Fraser, Marilyn  
Owen, Derek  
Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
Kane, Cecelia  
Pitts, Jacqueline  
Shultis, Elizabeth

Clark, Martha  
Kelley, Jane  
Ruffner, Walter  
Splaine, James

Cooney, Richard  
Langone, John  
Schanda, Frank  
Vaughn, Charles

Hutchinson, Rebecca  
Norelli, Terie  
Shelton, Richard

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith

Brennan, William  
Estabrook, Iris  
Kaen, Naida  
Rogers, Rose Marie  
Taylor, Kathleen

Brown, George  
Gilmore, Gary  
Knowles, William  
Smith, Marjorie  
Twardus, Joseph

DeChane, Marlene  
Grassie, Anne  
Lent, Donald  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Wiggins, Celestine

Burling, Peter  
Jones, Constance

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

and the report was adopted.

### RECESS

#### (Speaker Sytek in the Chair)

**HB 1587-FN**, relative to payment of health insurance costs for certain child day care agencies. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. William S. Belvin for the Majority of Finance: This bill establishes a new, three-year state-sponsored pilot program that, for the first time, would have the state providing from 35-50% of the cost of health insurance for child care givers in private child care agencies. The concept is that partial health insurance coverage would encourage child care agencies to accept more children from low income families and to experience greater stability in the child care workforce receiving the health care benefit. Availability of affordable and quality child care is a serious concern, but the bill leaves unanswered many material questions that require further study. The committee was unable to determine the sufficiency of existing day care openings in both the licenses and unlicensed facilities. There is inadequate information on why providers and caregivers enter and leave the industry, or if incremental wages or partial health care payments are of more importance. Finally the funding is of uncertain origin and could grow to be in excess of \$1 million of the general fund during the final year of pilot. No sustaining funding is identified in the bill. This is particularly troubling during our current budget deficit.

This is a well-intended bill but it needs further thoughtful investigation on the best way to proceed to ensure quality child care, so the committee voted Interim Study. Vote 16-10

Rep. Mary Jane Wallner for the Minority of Finance: The House Commerce Committee amended this original bill to become a 3-year pilot program. The first year of the pilot no funds would be expended, but the Department of Health and Human Services would develop the rules of the program, investigate funding through a variety of funding sources and develop the criteria to be measured during the pilot program.

In July of 2001 the program would begin providing partial payments for health insurance benefits for child care providers who care for the children of New Hampshire's lowest income working families. Child care is a vital component of New Hampshire's welfare-to-work initiatives and this pilot program is designed to provide an incentive for licensed child care providers to accept low income children whose families receive state assistance. The pilot will collect data on provider retention, number of children receiving care, and change in number of providers who will care for these low income children. At the end of the 3-year pilot program the legislature would evaluate the data and decide whether to continue the program.

This program will not solve all of the problems facing our state's supply, affordability and quality of child care. It is a modest initiative to address one area of a complex issue. The field pilot program itself is a study which will supply us with valuable data.

Presently we have available numerous legislative and state government groups looking at child care and early education, i.e., the Kids Cabinet, the NH Child Care Advisory Council, the Early Childhood Education Commission, NH Healthy Kids, the Governor's Business Commission on Child Care and Early Child Education. There are already ample opportunities to study child care issues and this study committee is not likely to add to our knowledge. What's needed in child care is not another study but action to start to address the serious issues in the field.

Reps. Vachon and Hager spoke against.

Reps. Wendelboe and Kurk spoke in favor.

Rep. Wallner spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Harmon requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 196 NAYS 153

### YEAS 196

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Rice, Thomas
Rosen, Ralph	Russell, David	Thomas, John	Turner, Robert
Wendelboe, Francine			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

#### CHESHIRE

Hunt, John	Manning, Joseph	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr		

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Mirski, Paul
Phinney, William	Scanlan, David	Ward, Brien	Weber, Phil

#### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Daigle, Robert

Dalianis, Griffin  
 Durham, Susan  
 Fields, Dennis  
 Gagnon, Eugene  
 Hunter, Bruce  
 LaRose, Richard  
 McDonald, James Sr  
 Moran, Edward  
 O'Hearn, Jane  
 Peterson, Andrew  
 Sargent, Maxwell  
 Vaillancourt, Steve

Daniels, Gary  
 Dyer, Merton  
 Fletcher, Richard  
 Goulet, Maurice  
 Jean, Loren  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Mosher, William  
 Ouellette, Dean  
 Reeves, Sandra  
 Simon, Anthony  
 Wall, Nancy

Desmarais, Vivian  
 Emerton, Lawrence  
 Flora, Kathleen  
 Herman, Keith  
 Kurk, Neal  
 Martel, Andre  
 Mercer, Robert  
 Nolan-Piteri, Dawn  
 Pappas, Marc  
 Rowe, Robert  
 Tate, Joan  
 White, Donald

Dokmo, Cynthia  
 Fenton, James  
 Ford, Nancy  
 Holley, Sylvia  
 L'Heureux, Robert  
 McCarty, Winston  
 Milligan, Robert  
 O'Connell, Timothy  
 Pepino, Leo  
 Sarette, John  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Nichols, Avis

Asplund, Bronwyn  
 Langer, Ray  
 Marple, Richard  
 Poulin, Dave

Davis, Francis  
 Larrabee, David Sr  
 Marshall, Kenneth  
 Soltani, Tony

Hess, David  
 Leber, William  
 Maxfield, Roy  
 Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
 Bridle, Russell  
 Cox, Russell  
 Downing, Michael  
 Francoeur, Sheila  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Langone, John  
 Mikowski, Walter  
 Noyes, Richard  
 Quandt, Marshall  
 Rubin, George  
 Stritch, C Donald  
 Whittier, John

Beaulieu, Jon  
 Case, Margaret  
 Dearborn, Bruce  
 Fesh, Robert  
 Gleason, John  
 Henderson, Warren  
 Kelley, William  
 Letourneau, Robert  
 Morse, Charles  
 Packard, Sherman  
 Rabideau, Marie  
 Ruffner, Walter  
 Tufts, J Arthur  
 Zolla, William

Belanger, Ronald  
 Clark, Vivian  
 DiFruscia, Anthony  
 Flanders, David  
 Grant, Kenneth  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Major, Norman  
 Nowe, Mary Lou  
 Priestley, Anne  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas

Bishop, Franklin  
 Cooney, Richard  
 Dowling, Patricia  
 Flanders, John Sr  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 Nowe, Ronald  
 Putnam, Ed II  
 Reardon, Neil  
 Stone, Joseph  
 Weyler, Kenneth

### STRAFFORD

Bickford, David  
 Torr, Franklin

Cossette, Larry  
 Tsiros, William

McKinley, Robert  
 Woods, Phyllis

Musler, George

### SULLIVAN

Jones, Constance

Kibbey, David

Leone, Richard

Young, David

### NAYS 153

### BELKNAP

Millham, Alida

Pilliod, James

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Avery, Stephen  
 Lerandeau, Alfred  
 Meader, David  
 Richardson, Barbara  
 Zerba, Roger

Batchelder, Robert  
 Lynch, Margaret  
 Mitchell, McKim  
 Riley, William

Blaisdell, Michael  
 Lynott, Margaret  
 Pratt, Irene  
 Robertson, Timothy

Burnham, Daniel  
 McGuirk, Paul  
 Pratt, John  
 Russell, Ronald

### COOS

Davis, Perley  
 Rodrigue, Robert

Glines, Sara

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Johnson, Gary	Nordgren, Sharon	Solow, Martha	

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Buckley, Raymond
Burkush, James	Cote, David	Cote, Peter	Craig, James
Desrosiers, William	Drabinowicz, A Theresa	Dwyer, Paul Sr	Foster, Linda
Franks, Suzan	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lynde, Harold	Martin, Mary Ellen
McCarthy, William	McColgan, Philip Jr	McDonough-Wallace, Alice	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Moriarty, Mary	Murphy, Robert
Reidy, Frank	Turgeon, Roland	White, John	Williams, Carol

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Owen, Derek	Potter, Frances	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Flanagan, Natalie
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Norelli, Terie	Pitts, Jacqueline	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weare, Everett			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the majority report was adopted.

Rep. Lozeau declared a conflict of interest and did not participate.

**SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Finance: This bill introduces the parents as teachers program to New Hampshire. The program comes to us with a great report from the state of Missouri. Long-term, the program's birth-to-pre-school visits have helped prepare young children for learning. The report claims to reduce reading and special ed problems.

The bill sets up a pilot program in Sullivan County. The Finance Committee amendment changes two things. First, for financial accountability, it includes criteria that Health and Human Services



can use to measure whether the program has been successfully established. Second, it funds the pilot program for \$65,000 from a multi-million dollar surplus in H&HS from DSH payments that exceed forecast. Vote 22-1.

### **Amendment (3931h)**

Amend RSA 193:35, I as inserted by section 1 of the bill by replacing it with the following:

I. The department of health and human services shall establish the school district based Parents as Teachers Program for a rural community in Sullivan county in cooperation with School Administrative Unit 6 and the Parent Information Center. Sullivan county will be the rural site for the program because of its unique demographic profile, including the high number of risk factors affecting its children, the demonstrated interest of its public officials in the program, and the capacity to link the program to existing programs within the county including Good Beginnings, the Parent Information Center, and department of health and human services programs in Sullivan county. The department shall use the following criteria to measure the effectiveness of the program:

(a) Whether the pilot program was implemented according to the criteria established by the Parents as Teachers National Center.

(b) The number of families served, the number of contacts with each family, and family profile information for the families served, including the percentages of families served by town.

(c) The total cost and the cost per family for the program.

(d) The number of children identified with Parents as Teachers participants that were identified as having developmental delays who have received services during the pilot program to address these delays.

(e) The number of children identified with Parents as Teachers participants who were, during the pilot program, the subject of a founded report of abuse or neglect pursuant to RSA 169-C.

(f) The results of 3-year old developmental screening for all children of appropriate age identified with Parents as Teachers participants.

(g) The level of parental participant knowledge and achievement including, but not limited to GED completion, employment, and volunteerism.

Amend RSA 193:37 as inserted by section 1 of the bill by replacing it with the following:

193:37 Report and Recommendation. On or before October 1, 2004, the department of health and human services shall prepare and submit to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate education committees an evaluation and report of the school district based Parents as Teachers Programs established pursuant to this subdivision, and recommendations for the expansion of the program statewide. The evaluation and report shall incorporate the criteria set forth in RSA 193:35, I and shall include an assessment of the program's effectiveness based on those criteria.

Amend the bill by replacing section 2 with the following:

2 Appropriation. There is hereby appropriated from any additional federal medicaid funds received by the department, pursuant to 1999, 225:2, in fiscal years 2000 and 2001 the sum of \$65,000 for the biennium ending June 30, 2001, to the department of health and human services to implement and administer the provisions of this act by establishing the school district based Parents as Teachers Program in Sullivan county.

Adopted.

Report adopted and ordered to third reading.

**SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor. **OUGHT TO PASS**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The crying need for housing in New Hampshire needs the immediate attention of experienced leadership to take a proactive approach to address the burgeoning homeless situation. Testimony indicated that over 18,000 households are spending more than 50% of their income on housing costs. Clearly, the legislature has a responsibility to ensure this housing issue is not lost sight of. The NH Housing Finance Authority testified that they strongly support this initiative and will continue to work with the Legislature to help our citizens with their housing problems. This legislation is a step closer to establishing a homeless prevention program. Vote 17-0.

Adopted and referred to Finance.

**HB 1366**, limiting civil liability of firearms manufacturers and dealers. **INEXPEDIENT TO LEGISLATE**

Rep. Robert H. Rowe for Judiciary: This bill would have indemnified firearms manufacturers and dealers from liability for injuries or damages caused by a firearm. The majority of the committee felt that this bill and the submitted amendment provided special treatment to one industry that other industries would not possess. The bill runs contrary to the concept of the private enterprise system. Vote 10-5.

On a division vote, 268 members having voted in the affirmative and 68 in the negative, the report was adopted.

Rep. David Flanders declared a conflict of interest and did not participate.

**HB 1475-FN**, relative to the applicable minimum wage for hourly employees. **WITHOUT RECOMMENDATION**

Rep. Goley moved Ought to Pass with Amendment spoke in favor and offered a floor amendment.

**Floor Amendment (3930hh)**

Amend the bill by replacing section 1 with the following:

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date Hourly Rate

[April 1, 1991 to September 30, 1996 \$4.25

October 1, 1996 to August 31, 1997 \$4.75]

On and after September 1, 1997 \$5.15

**On and after October 1, 2000 \$5.65**

On and after October 1, 2001 \$6.15

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher. If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Reps. Goley, Mears and Guay spoke in favor.

Rep. Keans spoke in favor and yielded to questions.

Rep. Ward spoke against.

Rep. Arthur Pelletier requested a roll call; sufficiently seconded.

The question being the adoption of the Goley floor amendment.

**YEAS 190 NAYS 152**

**YEAS 190**

**BELKNAP**

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

Kenney, Joseph

Philbrick, Donald

**CHESHIRE**

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

Lerandean, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Zerba, Roger

**COOS**

Gallus, John  
Mears, Edgar

Glines, Sara  
Pratt, Leighton

Guay, Lawrence  
Rodrigue, Robert

Landers, Dana  
Tholl, John Jr

**GRAFTON**

Almy, Susan  
Hinman, Harry

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Carlson, Donald  
Dokmo, Cynthia  
Flora, Kathleen  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lasky, Bette  
Martin, Mary Ellen  
McDonough-Wallace, Alice  
Messier, Irene  
Peterson, Andrew  
Tate, Joan  
White, John

Arnold, Thomas Jr  
Bergin, Peter  
Cote, David  
Drabinowicz, A Theresa  
Ford, Nancy  
Goley, Jeffrey  
Herman, Richard  
Konys, Christine  
Lefebvre, Roland  
McCarthy, William  
McGough, Tim  
Moriarty, Mary  
Reidy, Frank  
Thulander, O Alan  
Williams, Carol

Arthur, Rose  
Buckley, Raymond  
Craig, James  
Dwyer, Paul Sr  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
LaPorte, George  
Leonard, Peter  
McColgan, Philip Jr  
Melcher, Harold  
Murphy, Robert  
Sarette, John  
Turgeon, Roland

Baroody, Benjamin  
Burkush, James  
Desrosiers, William  
Fletcher, Richard  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
LaRose, Richard  
Lynde, Harold  
McDonald, James Sr  
Mendenhall, Leslie  
Pepino, Leo  
Simon, Anthony  
Vaillancourt, Steve

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Kennedy, Richard  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Langer, Ray  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean

Chase, George  
Feuerstein, Martin  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Gleason, John  
Katsakiores, George  
Langone, John  
Nowe, Ronald  
Shelton, Richard  
Whittier, John

Blanchard, MaryAnn  
Cooney, Richard  
Hutchinson, Karen  
Kelley, Jane  
McKinney, Betsy  
Pitts, Jacqueline  
Shultis, Elizabeth

Bridle, Russell  
Dearborn, Bruce  
Johnson, Robert  
Kobel, Rudolph  
Norelli, Terie  
Quandt, Marshall  
Splaine, James

Case, Margaret  
Downing, Michael  
Kane, Cecelia  
Langley, Jane  
Nowe, Mary Lou  
Schanda, Frank  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Twardus, Joseph

Brennan, William  
DeChane, Marlene  
Gilmore, Gary  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Brown, George  
Domingo, Baldwin  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Tsiros, William  
Wall, Janet

**SULLIVAN**

Allison, David  
Leone, Richard  
Wiggins, Celestine

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

**NAYS 152****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Smith, Edwin

Hunt, John

Rose, William

Royce, H Charles

**COOS**

Davis, Perley

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Ward, Brien

Alger, John  
Gilman, G Michael  
Mirski, Paul  
Weber, Phil

Brothers, Richard  
Hall, David  
Phinney, William

Cobb, John  
Ham, Bonnie  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Brundige, Robert  
Christiansen, Lars  
Daigle, Robert  
Durham, Susan  
Fields, Dennis  
Herman, Keith  
Kurk, Neal  
MacGillivray, Jeffrey  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
White, Donald

Andrews, Frederick  
Bruno, Pierre  
Clegg, Robert Jr  
Dalianis, Griffin  
Dyer, Merton  
Franks, Suzan  
Holley, Sylvia  
L'Heureux, Robert  
Martel, Andre  
Moran, Edward  
O'Hearn, Jane  
Rowe, Robert

Beaupre, Roland  
Calawa, Leon Jr  
Cote, Peter  
Daniels, Gary  
Emerton, Lawrence  
Gagnon, Eugene  
Hunter, Bruce  
Leishman, Peter  
McCarty, Winston  
Mosher, William  
Ouellette, Dean  
Sargent, Maxwell

Belvin, William  
Chabot, Robert  
Coughlin, Pamela  
Desmarais, Vivian  
Fenton, James  
Goulet, Maurice  
Jean, Loren  
Lozeau, Donnalee  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pappas, Marc  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Leber, William  
Whalley, Michael

Asplund, Bronwyn  
Marple, Richard

Hess, David  
Marshall, Kenneth

Larrabee, David Sr  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Major, Norman  
Packard, Sherman  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas

Beaulieu, Jon  
Cox, Russell  
Flanagan, Natalie  
Grant, Kenneth  
Katsakiores, Phyllis  
Mikowski, Walter  
Priestley, Anne  
Reardon, Neil  
Stone, Joseph  
Weare, Everett

Belanger, Ronald  
DiFruscia, Anthony  
Flanders, David  
Griffin, Mary  
Kelley, William  
Morse, Charles  
Putnam, Ed II  
Ruffner, Walter  
Stritch, C Donald  
Weyler, Kenneth

Bishop, Franklin  
Dowling, Patricia  
Flanders, John Sr  
Hamel, Albert  
Letourneau, Robert  
Noyes, Richard  
Rabideau, Marie  
Sapareto, Frank  
Tufts, J Arthur  
Zolla, William



**STRAFFORD**

Bickford, David  
Torr, Franklin

Cossette, Larry  
Woods, Phyllis

McKinley, Robert

Musler, George

**SULLIVAN**

Jones, Constance

Kibbey, David

Young, David

and the Goley Floor Amendment was adopted.

Rep. Kenney voted Yea and intended to vote Nay.

Rep. Young voted Nay and intended to vote Yea.

Rep. Hinman offered a floor amendment.

**Floor Amendment (3963h)**

Amend the bill by replacing section 1 with the following:

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:

Date	Hourly Rate
[April 1, 1991 to September 30, 1996	\$4.25
October 1, 1996 to August 31, 1997	\$4.75]
On and after September 1, 1997	\$5.15
<i>On and after October 1, 2000</i>	<i>\$5.65</i>
<i>On and after October 1, 2001</i>	<i>\$6.15</i>

Tipped employees of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receive more than \$20 a month in tips directly from the customers will receive a base rate from the employer of not less than \$2.38 per hour. ~~[With any change to the minimum wage after the effective date of this section, the employer is responsible to pay employees \$2.38 per hour or 45 percent of the applicable minimum wage whichever is higher.]~~ If an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the applicable minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Rep. Hinman spoke in favor.

Reps. Mirski and Rebecca Hutchinson spoke against.

On a division vote, 78 members having voted in the affirmative and 262 in the negative, the Hinman floor amendment failed.

Rep. Lozeau declared a conflict of interest and did not participate.

The question now being the adoption of the motion Ought to Pass with Amendment.

Rep. McColgan spoke in favor.

Rep. Daniels spoke against and yielded to questions.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Rep. Clegg spoke against.

Rep. Clegg requested a roll call; sufficiently seconded.

**YEAS 170 NAYS 173****YEAS 170****BELKNAP**

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

Philbrick, Donald

**CHESHIRE**

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

Manning, Joseph

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Pratt, John

Richardson, Barbara

Riley, William

Robertson, Timothy

Russell, Ronald

Zerba, Roger

**COOS**

Glimes, Sara  
Rodrigue, Robert

Guay, Lawrence

Landers, Dana

Mears, Edgar

**GRAFTON**

Almy, Susan  
Hinman, Harry

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Craig, James  
Drabinowicz, A Theresa  
Garrish, Linda  
Haettenschwiller, Alphonse  
Keye, Harvey  
Lefebvre, Roland  
Martin, Mary Ellen  
Melcher, Harold  
Pepino, Leo  
Turgeon, Roland

Arthur, Rose  
Buckley, Raymond  
Daigle, Robert  
Dwyer, Paul Sr  
Ginsburg, Ruth  
Hall, Betty  
Konys, Christine  
Leonard, Peter  
McCarthy, William  
Messier, Irene  
Peterson, Andrew  
Vaillancourt, Steve

Baroody, Benjamin  
Burkush, James  
Desmarais, Vivian  
Ford, Nancy  
Goley, Jeffrey  
Jean, Claudette  
LaRose, Richard  
Lynde, Harold  
McColgan, Philip Jr  
Moriarty, Mary  
Reidy, Frank  
White, John

Batula, Peter  
Cote, David  
Dokmo, Cynthia  
Foster, Linda  
Gorman, Mary  
Johnson, Lionel  
Lasky, Bette  
Martel, Andre  
McDonough-Wallace, Alice  
Murphy, Robert  
Simon, Anthony  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Feuerstein, Martin  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Fraser, Marilyn  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Hutchinson, Karen  
Kelley, Jane  
Norelli, Terie  
Schanda, Frank  
Vaughn, Charles

Blanchard, MaryAnn  
Cooney, Richard  
Hutchinson, Rebecca  
Kobel, Rudolph  
Pitts, Jacqueline  
Shelton, Richard  
Whittier, John

Bridle, Russell  
Dearborn, Bruce  
Johnson, Robert  
Langley, Jane  
Quandt, Marshall  
Shultis, Elizabeth

Case, Margaret  
Grant, Kenneth  
Kane, Cecelia  
Langone, John  
Rubin, George  
Splaine, James

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brown, George  
DeChane, Marlene  
Gilmore, Gary  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brown, Julie  
Domingo, Baldwin  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

**SULLIVAN**

Allison, David  
Leone, Richard  
Wiggins, Celestine

Burling, Peter  
Phinzy, James  
Young, David

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

**NAYS 173****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Sullivan, P Judith		

**CHESHIRE**

Avery, Stephen	Hunt, John	Rose, William	Royce, H Charles
Smith, Edwin			

**COOS**

Davis, Perley	Gallus, John	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr		

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Marshall, Gene	Mirski, Paul	Phinney, William	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Beaupre, Roland
Belvin, William	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Cote, Peter	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fenton, James
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kurk, Neal
L'Heureux, Robert	Leishman, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McDonald, James Sr	McGough, Tim	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Wall, Nancy	White, Donald

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Larrabee, David Sr	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Soltani, Tony	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew Jr	Clark, Vivian	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed II	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sapareto, Frank	Stickney, Nancy	Stone, Joseph
Strich, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Weyler, Kenneth	Zolla, William		

**STRAFFORD**

Bickford, David	McKinley, Robert	Musler, George	Torr, Franklin
Tsiros, William	Woods, Phyllis		

**SULLIVAN**

Jones, Constance

Kibbey, David

and Ought to Pass with Amendment failed.

Rep. Richard Herman did not vote and wished to be recorded in favor.

Rep. Keith Herman moved Inexpedient to Legislate.

Rep. McGuirk requested a roll call; sufficiently seconded.

**YEAS 174 NAYS 169****YEAS 174****BELKNAP**Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, RobertBoriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, FrancineBoyce, Robert  
Lawton, David  
Russell, DavidCzech, Stanley  
Millham, Alida  
Thomas, John**CARROLL**Babson, David Jr  
Howard, Godfrey  
Patten, BetseyBradley, Jeb  
Kenney, Joseph  
Sullivan, P JudithChandler, Gene  
Lyman, L RandyDickinson, Howard  
Mock, Henry**CHESHIRE**Avery, Stephen  
Smith, Edwin

Hunt, John

Rose, William

Royce, H Charles

**COOS**Davis, Perley  
Pratt, LeightonGallus, John  
Tholl, John Jr

Horton, Lynn

Merrill, Gerald

**GRAFTON**Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Ward, BrienAlger, John  
Gilman, G Michael  
Mirski, Paul  
Weber, PhilBrothers, Richard  
Hall, David  
Phinney, WilliamCobb, John  
Ham, Bonnie  
Scanlan, David**HILLSBOROUGH**Alukonis, David  
Belvin, William  
Carlson, Donald  
Cote, Peter  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Holley, Sylvia  
L'Heureux, Robert  
McCarty, Winston  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O AlanAndrews, Frederick  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Goulet, Maurice  
Hunter, Bruce  
Leishman, Peter  
McDonald, James Sr  
Moran, Edward  
O'Hearn, Jane  
Rowe, Robert  
Wall, NancyArnold, Thomas Jr  
Bruno, Pierre  
Christiansen, Lars  
Dalianis, Griffin  
Emerton, Lawrence  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
Lozeau, Donnalee  
McGough, Tim  
Mosher, William  
Ouellette, Dean  
Sargent, Maxwell  
White, DonaldBeaupre, Roland  
Calawa, Leon Jr  
Clegg, Robert Jr  
Daniels, Gary  
Fenton, James  
Franks, Suzan  
Herman, Keith  
Kurk, Neal  
MacGillivray, Jeffrey  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pappas, Marc  
Tate, Joan**MERRIMACK**Anderson, Eric  
Hoadley, Elizabeth  
Leber, William  
Nichols, AvisAsplund, Bronwyn  
Kennedy, Richard  
Lockwood, Priscilla  
Soltani, TonyFeuerstein, Martin  
Langer, Ray  
Marple, Richard  
Whalley, MichaelHess, David  
Larrabee, David Sr  
Marshall, Kenneth



**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Christie, Andrew Jr	Clark, Vivian	Cox, Russell	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Katsakiores, George	Katsakiores, Phyllis	Kelley, William	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Sapareto, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Weyler, Kenneth	Zolla, William	

**STRAFFORD**

Bickford, David	McKinley, Robert	Musler, George	Torr, Franklin
Tsiros, William	Woods, Phyllis		

**SULLIVAN**

Jones, Constance	Kibbey, David
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**NAYS 169****BELKNAP**

Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Philbrick, Donald

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			

**COOS**

Glines, Sara	Guay, Lawrence	Landers, Dana	Mears, Edgar
Rodrigue, Robert			

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hinman, Harry	Johnson, Gary	Nordgren, Sharon	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Batula, Peter
Bergin, Peter	Buckley, Raymond	Burkush, James	Cote, David
Craig, James	Daigle, Robert	Desmarais, Vivian	Dokmo, Cynthia
Drabinowicz, A Theresa	Dwyer, Paul Sr	Ford, Nancy	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	Lynde, Harold	Martel, Andre
Martin, Mary Ellen	McCarthy, William	McColgan, Philip Jr	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Moriarty, Mary	Murphy, Robert
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fraser, Marilyn	French, Barbara
Jacobson, Alf	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Case, Margaret
Clark, Martha	Cooney, Richard	Dearborn, Bruce	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Norelli, Terie
Pitts, Jacqueline	Quandt, Marshall	Rubin, George	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Whittier, John			

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

and the motion was adopted.

**MOTION TO LAY ON THE TABLE**

Rep. Guay moved that **HB 1475-FN**, relative to the applicable minimum wage for hourly employees, be laid on the table.

Rep. Varrell requested a roll call; not sufficiently seconded.

On a division vote, 122 members having voted in the affirmative and 222 in the negative, the motion failed.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Keith Herman moved that the House reconsider its action whereby it voted **HB 1475-FN**, relative to the applicable minimum wage for hourly employees, Inexpedient to Legislate and spoke against.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

**YEAS 169 NAYS 175****YEAS 169****BELKNAP**

Pilliod, James	Salatiello, Thomas	Wood, Jane
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**CARROLL**

Philbrick, Donald

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul

Meador, David  
Richardson, Barbara  
Zerba, Roger

Mitchell, McKim  
Riley, William

Pratt, Irene  
Robertson, Timothy

Pratt, John  
Russell, Ronald

### COOS

Glines, Sara  
Rodrigue, Robert

Guay, Lawrence

Landers, Dana

Mears, Edgar

### GRAFTON

Almy, Susan  
Hinman, Harry

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Solow, Martha

### HILLSBOROUGH

Ahern, Richard  
Buckley, Raymond  
Daigle, Robert  
Dwyer, Paul Sr  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
Martin, Mary Ellen  
McDonough-Wallace, Alice  
Murphy, Robert  
Simon, Anthony  
Williams, Carol

Arthur, Rose  
Burkush, James  
Desmarais, Vivian  
Foster, Linda  
Goley, Jeffrey  
Herman, Richard  
Konys, Christine  
Leishman, Peter  
McCarthy, William  
Melcher, Harold  
Pepino, Leo  
Turgeon, Roland

Baroody, Benjamin  
Cote, David  
Dokmo, Cynthia  
Franks, Suzan  
Gorman, Mary  
Jean, Claudette  
LaRose, Richard  
Leonard, Peter  
McColgan, Philip Jr  
Messier, Irene  
Peterson, Andrew  
Vaillancourt, Steve

Bergin, Peter  
Craig, James  
Drabinowicz, A Theresa  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
McDonald, James Sr  
Moriarty, Mary  
Reidy, Frank  
White, John

### MERRIMACK

Bouchard, Candace  
Daneault, Gabriel  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Brewster, Richard  
Davis, Francis  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Yeaton, Charles

Chase, George  
Fraser, Marilyn  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn

Crosby, Toni  
French, Barbara  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Gleason, John  
Johnson, Robert  
Langley, Jane  
Quandt, Marshall  
Splaine, James

Blanchard, MaryAnn  
Cooney, Richard  
Grant, Kenneth  
Kane, Cecelia  
Langone, John  
Schanda, Frank  
Vaughn, Charles

Bridle, Russell  
Dearborn, Bruce  
Hutchinson, Karen  
Kelley, Jane  
Norelli, Terie  
Shelton, Richard

Case, Margaret  
DiFruscia, Anthony  
Hutchinson, Rebecca  
Kobel, Rudolph  
Pitts, Jacqueline  
Shultis, Elizabeth

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Cossette, Larry  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brown, George  
DeChane, Marlene  
Gilmore, Gary  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brown, Julie  
Domingo, Baldwin  
Johnson, Nancy  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

### SULLIVAN

Allison, David  
Leone, Richard  
Wiggins, Celestine

Burling, Peter  
Phinizy, James  
Young, David

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

**NAYS 175****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
Lyman, L Randy

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Smith, Edwin

Hunt, John

Rose, William

Royce, H Charles

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Tholl, John Jr

Horton, Lynn

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Marshall, Gene  
Ward, Brien

Alger, John  
Gilman, G Michael  
Mirski, Paul  
Weber, Phil

Brothers, Richard  
Hall, David  
Phinney, William

Cobb, John  
Ham, Bonnie  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon Jr  
Clegg, Robert Jr  
Daniels, Gary  
Fenton, James  
Ford, Nancy  
Herman, Keith  
Kurk, Neal  
Martel, Andre  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Tate, Joan

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Cote, Peter  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Holley, Sylvia  
L'Heureux, Robert  
McCarthy, Winston  
Moran, Edward  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan

Arnold, Thomas Jr  
Brundige, Robert  
Chabot, Robert  
Coughlin, Pamela  
Dyer, Merton  
Fletcher, Richard  
Goulet, Maurice  
Hunter, Bruce  
Lozeau, Donnalee  
McGough, Tim  
Mosher, William  
Ouellette, Dean  
Sarette, John  
Wall, Nancy

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Dalianis, Griffin  
Emerton, Lawrence  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
MacGillivray, Jeffrey  
Mercer, Robert  
Nolan-Piteri, Dawn  
Pappas, Marc  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis

Asplund, Bronwyn  
Kennedy, Richard  
Lockwood, Priscilla  
Soltani, Tony

Feuerstein, Martin  
Langer, Ray  
Marple, Richard  
Whalley, Michael

Hess, David  
Larrabee, David Sr  
Marshall, Kenneth  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
Downing, Michael  
Flanders, John Sr  
Henderson, Warren  
Letourneau, Robert  
Morse, Charles  
Packard, Sherman

Beaulieu, Jon  
Clark, Vivian  
Fesh, Robert  
Francoeur, Sheila  
Katsakiores, George  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne

Belanger, Ronald  
Cox, Russell  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II

Bishop, Franklin  
Dowling, Patricia  
Flanders, David  
Hamel, Albert  
Kelley, William  
Mikowski, Walter  
Noyes, Richard  
Rabideau, Marie



Raynowska, Bernard  
 Sapareto, Frank  
 Tufts, J Arthur  
 Whittier, John

Reardon, Neil  
 Stickney, Nancy  
 Varrell, Thomas  
 Zolla, William

Rubin, George  
 Stone, Joseph  
 Weare, Everett

Ruffner, Walter  
 Stritch, C Donald  
 Weyler, Kenneth

### STRAFFORD

Bickford, David  
 Tsiros, William

McKinley, Robert  
 Woods, Phyllis

Musler, George

Torr, Franklin

### SULLIVAN

Jones, Constance

Kibbey, David

and reconsideration failed.

House Bill 1475 is Inexpedient to Legislate.

### REGULAR CALENDAR (CONT'D.)

**CACR 32**, relating to the size of the general court. Providing that provisions mandating the size of the general court shall be removed from the constitution and shall be established by statute. **INEXPEDIENT TO LEGISLATE**

Rep. Ronald J. Nowe for Legislative Administration: The committee felt that no compelling arguments for changing the size of the legislature were presented at the hearing. Removal from the constitution and subject to legislative action could make the House and Senate subject to change more frequently and does not address the increase or decrease the membership of the legislature. The committee felt the present system of apportionment of representatives according to the last general census is important, but if a change in size were to occur, the general public should have a say in what that ratio should be. It should not be left to the legislature. The general public seems to be very aware of who represents them, and in 1984 defeated a resolution from the Constitutional Convention to reduce the size of the house and increase the ratio of voters to their representatives. Vote 12-1.

Adopted.

**HB 1605-FN-L**, relative to the adoption of a state building code. **INEXPEDIENT TO LEGISLATE**  
 Rep. William T. Kelley for Municipal and County Government: This bill would mean a major change in New Hampshire law. The State Fire Marshall told the Committee that after the code referenced in the original bill is published, he will convene a broadly based group to study the new codes and recommend any needed changes in the law. The next legislative session will be a better time to consider this potentially important law. Vote 12-4.

Adopted.

**SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: This bill establishes a pilot program to foster economic development by enabling certain depressed towns to grant a limited municipal tax exemption. It is a local tool that qualifying communities may use if they so choose, and if it is compatible with their local land use planning regulations. The intent of SB 76 is to foster economic development in economically depressed areas in the State. The Municipal and County Government Committee reviewed three specific criteria-taxable valuation per person, unemployment rate and population growth. If these three criteria, which are currently measured by the Office of State Planning, are present in a region and interact in a negative way on one another, economic development is needed to bring jobs and viability to that area. The House voted and passed SB 76 on January 6 by a vote of 191-71. The bill was then sent to Finance where some concerns were expressed about three aspects of the bill. The Finance Committee reported the bill back to the House with no recommendation and it was then recommitted to Municipal and County Government. After reviewing the concerns expressed in Finance, Municipal and County Government voted 17-1 to amend the bill to address all of those concerns, one of which was to more clearly remove all county and state property taxes from the exemption. Again, this is a pilot program. It sunsets in 2005, and it requires a vote by the local legislative body before it can be adopted in any qualifying towns. Vote 17-1.

**Amendment (3539h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a pilot program allowing certain economically depressed municipalities to offer tax exemptions to foster public accommodation and industrial construction.

Amend the bill by replacing sections 1-3 with the following:

I. Statement of Intent. It is the purpose of this act to foster the economic development of economically depressed counties by enabling eligible, economically depressed municipalities to encourage new construction, rehabilitation, and improvement of property for public accommodation and industrial use through the adoption of tax exemptions. It is the further purpose of this act to ensure that, once adopted, such exemptions shall be administered uniformly within the taxing districts so as to avoid the risk of unconstitutional ad hoc or discriminatory tax benefits.

2 Definitions. In this act:

I. "Economically depressed county" shall mean any county of the state which meets the following 3 criteria as established by the director of the office of state planning:

- (a) Is within the lowest 30 percent of counties based on equalized taxable valuation per person for the most recent year available prior to the vote taken pursuant to section 4 of this act;
- (b) Is within the highest 30 percent of counties based on unemployment rate for the average of the 3 most recent years available prior to the vote taken pursuant to section 4 of this act; and
- (c) Is within the lowest 30 percent of counties based on population growth for the most recent 5-year period available prior to the vote taken pursuant to section 4 of this act.

II. "Eligible municipality" shall mean any city or town located in an economically depressed county and which meets 2 of the following 3 criteria as established by the director of the office of state planning:

- (a) Is within the lowest 30 percent of municipalities based on equalized taxable valuation per person for the most recent year available prior to the vote taken pursuant to section 4 of this act;
- (b) Is within the highest 30 percent of municipalities based on unemployment rate for the average of the 3 most recent years available prior to the vote taken pursuant to section 4 of this act;
- (c) Is within the lowest 30 percent of municipalities based on population growth for the most recent 5-year period available prior to the vote taken pursuant to section 4 of this act.

III. "Industrial uses" shall include all manufacturing, production, assembling, warehousing, or processing of goods or materials for sale or distribution, research and development activities, or processing of waste materials.

IV. "Public accommodation" shall mean any inn, hotel, motel, or other establishment which provides lodging to transient guests.

3 Property Tax Exemption. An eligible municipality may, by vote of the local legislative body pursuant to section 4 of this act, adopt a new construction property tax exemption for public accommodation or industrial uses, or both. The exemption shall apply only for local municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11 and shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations or improvements to existing structures. The exemption may run for a maximum period of 5 years following the new construction; provided, however, that the exemption for all years shall cumulatively not exceed 200 percent of the increased assessed value. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all new construction for which a proper application is filed.

Amend the bill by replacing section 6 with the following:

6 Repeal. Sections 1-5 of this act, relative to a program allowing economically depressed municipalities in economically depressed counties to offer tax exemptions to foster public accommodation and industrial construction, are repealed.

**AMENDED ANALYSIS**

This bill establishes a pilot program allowing economically depressed municipalities in economically depressed counties to offer tax exemptions applicable to non-statewide property taxes to foster growth in new and existing public accommodation and industrial construction. Adopted.

Reps. MacGillivray and Mirski spoke against.

Rep. Foster spoke in favor.

Rep. Ward spoke in favor and yielded to questions.

Rep. Rose requested a quorum count. The Speaker declared a quorum present.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 204 NAYS 118

### YEAS 204

#### BELKNAP

Boriso, Thomas  
Rice, Thomas  
Wood, Jane

Czech, Stanley  
Russell, David

Johnson, James  
Salatiello, Thomas

Millham, Alida  
Wendelboe, Francine

#### CARROLL

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Kenney, Joseph

Mock, Henry

#### CHESHIRE

Batchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Zerba, Roger

Blaisdell, Michael  
Lynott, Margaret  
Pratt, Irene  
Royce, H Charles

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Russell, Ronald

Lerandeau, Alfred  
Meader, David  
Richardson, Barbara  
Smith, Edwin

#### COOS

Davis, Perley  
Landers, Dana  
Tholl, John Jr

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

#### GRAFTON

Alger, John  
Densmore, Jessica  
Johnson, Gary  
Scanlan, David

Almy, Susan  
Dudley, Terri  
Marshall, Gene  
Solow, Martha

Cobb, John  
Gilman, G Michael  
Nordgren, Sharon  
Ward, Brien

Copenhaver, Marion  
Hinman, Harry  
Phinney, William

#### HILLSBOROUGH

Ahern, Richard  
Bergin, Peter  
Chabot, Robert  
Daigle, Robert  
Dyer, Merton  
Flora, Kathleen  
Garrish, Linda  
Hansen, Herbert  
Jean, Claudette  
L'Heureux, Robert  
Leonard, Peter  
McGough, Tim  
Moran, Edward  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell

Arthur, Rose  
Brundige, Robert  
Cote, David  
Desmarais, Vivian  
Emerton, Lawrence  
Foster, Linda  
Ginsburg, Ruth  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
Melcher, Harold  
Moriarty, Mary  
O'Hearn, Jane  
Reidy, Frank  
Simon, Anthony

Baroody, Benjamin  
Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Fenton, James  
Franks, Suzan  
Goley, Jeffrey  
Herman, Richard  
Konys, Christine  
Lasky, Bette  
McCarty, Winston  
Messier, Irene  
Mosher, William  
Ouellette, Dean  
Rowe, Robert  
White, John

Batula, Peter  
Burkush, James  
Craig, James  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Kurk, Neal  
Leishman, Peter  
McDonald, James Sr  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sarette, John  
Williams, Carol

#### MERRIMACK

Brewster, Richard  
Fraser, Marilyn

Crosby, Toni  
French, Barbara

Daneault, Gabriel  
Hess, David

Davis, Francis  
Jacobson, Alf

Larrabee, David Sr  
 Poulin, Dave  
 St Cyr, Gerard

Lockwood, Priscilla  
 Rodd, Beth  
 Wallner, Mary Jane

Moore, Carol  
 Rosenfield, Jay  
 Whalley, Michael

Potter, Frances  
 Seldin, Gloria  
 Yeaton, Charles

### ROCKINGHAM

Arndt, Janet  
 Case, Margaret  
 DiFruscia, Anthony  
 Hamel, Albert  
 Katsakiores, George  
 Morse, Charles  
 Sapareto, Frank  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Christie, Andrew Jr  
 Downing, Michael  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Norelli, Terie  
 Stickney, Nancy  
 Varrell, Thomas  
 Zolla, William

Bishop, Franklin  
 Clark, Martha  
 Flanders, John Sr  
 Johnson, Robert  
 Kobel, Rudolph  
 Noyes, Richard  
 Stone, Joseph  
 Vaughn, Charles

Blanchard, MaryAnn  
 Cox, Russell  
 Griffin, Mary  
 Kane, Cecelia  
 Langley, Jane  
 Priestley, Anne  
 Stritch, C Donald  
 Weare, Everett

### STRAFFORD

Brennan, William  
 Estabrook, Iris  
 McKinley, Robert  
 Smith, Marjorie  
 Torr, Franklin

Brown, George  
 Gilmore, Gary  
 Musler, George  
 Snyder, Clair  
 Twardus, Joseph

Cossette, Larry  
 Johnson, Nancy  
 Rogers, Rose Marie  
 Spang, Judith  
 Vachon, Dennis

Domingo, Baldwin  
 Knowles, William  
 Rollo, Michael  
 Taylor, Kathleen  
 Wall, Janet

### SULLIVAN

Allison, David  
 Jones, Constance  
 Wiggins, Celestine

Burling, Peter  
 Leone, Richard  
 Young, David

Cloutier, John  
 Phinizy, James

Donovan, Thomas Jr  
 Tuthill, John

### NAYS 118

### BELKNAP

Bartlett, Gordon  
 Pilliod, James

Boyce, Robert  
 Turner, Robert

Holbrook, Robert

Lawton, David

### CARROLL

Babson, David Jr  
 Sullivan, P Judith

Dickinson, Howard

Howard, Godfrey

Lyman, L Randy

### CHESHIRE

Hunt, John

Manning, Joseph

Robertson, Timothy

Rose, William

### COOS

None

### GRAFTON

Akins, Ralph

Ham, Bonnie

Mirski, Paul

Weber, Phil

### HILLSBOROUGH

Alukonis, David  
 Belvin, William  
 Christiansen, Lars  
 Daniels, Gary  
 Ford, Nancy  
 Hunter, Bruce  
 MacGillivray, Jeffrey  
 McDonough-Wallace, Alice  
 Thulander, O Alan  
 White, Donald

Andrews, Frederick  
 Bruno, Pierre  
 Clegg, Robert Jr  
 Dokmo, Cynthia  
 Gorman, Mary  
 Jean, Loren  
 Martel, Andre  
 Mercer, Robert  
 Turgeon, Roland

Arnold, Thomas Jr  
 Calawa, Leon Jr  
 Coughlin, Pamela  
 Dwyer, Paul Sr  
 Goulet, Maurice  
 Keye, Harvey  
 Martin, Mary Ellen  
 Murphy, Robert  
 Vaillancourt, Steve

Beaupre, Roland  
 Carlson, Donald  
 Dalianis, Griffin  
 Fletcher, Richard  
 Hall, Betty  
 Lynde, Harold  
 McCarthy, William  
 Pappas, Marc  
 Wall, Nancy



**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Chase, George
Feuerstein, Martin	Kennedy, Richard	Langer, Ray	Leber, William
Marple, Richard	Marshall, Kenneth	Nichols, Avis	Soltani, Tony
Virtue, Carolyn	Wallin, Jean	Whittemore, James	

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Clark, Vivian	Cooney, Richard
Dearborn, Bruce	Fesh, Robert	Flanagan, Natalie	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Henderson, Warren	Hutchinson, Karen
Kelley, William	Langone, John	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald
Packard, Sherman	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Whittier, John			

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Kaen, Naida	Keans, Sandra
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Tsiros, William
Vincent, Francis	Woods, Phyllis		

**SULLIVAN**

None

and the report was adopted.

Ordered to third reading.

**HB 2000-FN-L**, relative to a 10-year transportation plan. **OUGHT TO PASS**

Rep. Winston H. McCarty for Public Works and Highways: The committee applauds the long and tedious work of taking input from the community level, transportation improvement programs, metropolitan planning organizations, regional planning commissions, and many other considerations too numerous to mention by the Commissioner of the Department of Transportation and his staff. This bill represents the latest version of the state's 10-year transportation program, and contains listings for the major federally assisted projects and turnpike expansion projects. The "gray book", entitled State of New Hampshire Ten Year Transportation Improvement Program 2001-2010, represents an alphabetical listing of the total 10-year program. The first few pages of the book detail how the 10-year plan is developed and created. There was very little public input at the public hearing, and the committee accepted the plan as prioritized with little discussion and no changes. There was some lengthy discussion about using some \$150,000,000 (\$15,000,000 per year) of the additional \$500,000,000 (\$50,000,000 per year) of Transportation Equity Act for the 21st Century (TEA-21) money from the federal government that the state is due to receive for some necessary turnpike expansion projects which are unable to be funded with existing turnpike revenues. These additional TEA-21 funds improve this plan in all areas as it speeds up the whole program. The program uses available revenues on the most worthy of projects with the most reasonable priority. Vote 16-2.

Rep. Leber spoke against.

Rep. Edwin Smith spoke in favor and yielded to questions.

Adopted and referred to Finance.

**HB 1309**, relative to wood-to-energy rate order buydowns. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeb E. Bradley for Science, Technology and Energy: Passage of HB 1309 would strongly encourage the reduction of electricity costs for PSNH customers associated with six wood-to-energy plants and one trash-to-energy plant. PSNH is mandated to purchase this power pursuant to federal and state law and these costs are a significant portion of PSNH's stranded costs. It is hoped that passage of this bill would create a framework for both PSNH and the wood and trash plant

owners to renegotiate long term rate orders and lower customer costs. The bill also encourages the PUC to approve any renegotiated rate orders. There was no opposition to the bill. Vote 14-0.

#### **Amendment (3806h)**

Amend paragraphs I and II of section 1 of the bill by replacing them with the following:

I. The general court finds that it is important to lower the price paid for electricity by customers of Public Service Company of New Hampshire (PSNH). The general court finds that facilitating buydowns of any or all of the 6 wood-to-energy plant rate orders and/or the one trash-to-energy plant rate order would assist in accomplishing the goal of lower electricity prices. The general court further finds that this goal is consistent with section 2 of HB 464 passed in the 1999 legislative session, 1999, 289:2.

II. The general court recognizes that agreements between PSNH and the plants must be consensual in nature between the parties, and must provide enough benefits to customers that the public utilities commission would find implementation of buydowns to be in the public interest.

Adopted.

Report adopted and ordered to third reading.

**HB 1329**, limiting the system benefits charge. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Jeffrey C. MacGillivray for the Majority of Science, Technology and Energy: The original subject of this bill was limiting the systems benefit charge that will be added to competitive electric bills to pay for low-income programs and energy conservation. With the sponsor's consent, this subject matter was left to be considered as part of the entire package of the PSNH settlement and associated securitization legislation later this session. The amendment proposed by the majority of the committee instead deals with two other issues, after a second public hearing on this non germane amendment. 1) The committee as a whole supported the provisions dealing with gas utility restructuring, which allow the Public Utility Commission (PUC) to set standards for competitive gas suppliers in order to help implement recent PUC's efforts to expand gas utility retail choice. This is being done to allow the PUC to implement a federal rule; it does not give the PUC authority to implement general gas utility restructuring. A restructuring oversight committee similar to the electric restructuring oversight committee is also established. 2) A second issue supported by the majority of the committee, deals with notification of impending gas or electric utility winter shutoffs for tenants or condominium units to landlords or condominium associations. This section of the bill would allow (not require) utilities to notify landlords or condominium associations that had requested to be notified. The goal of this section is to prevent water damage to other units from burst pipes resulting from frozen pipes. While some members of the committee feared a loss of privacy by the tenant or unit owner, the majority of the committee believes that it is preferable to allow an attempt to prevent damage to other units rather than simply relying on the right of the other occupants to sue later. The utility when reporting the impending shutoff would still need to follow all relevant federal laws. Vote 11-4.

Rep. Jacqueline A. Pitts for the Minority of Science, Technology and Energy: Section 1 of HB 1329 presents a problem in that it would make public (to landlords, or their designee, or the condo association), the private information concerning individual customers' utility bills. The minority foresees possible problems with credit reporting and misuse of information that may not be accurate. The minority also feels that this interferes with the customers' ability to make payment arrangement or follow the appeals process. Section 1 is not specific as to when landlords are to be notified. The minority interprets this to be at the time the notice is generated. Others feel it is when appeals are exhausted but this is not clear. Another question is when everyone who rents is obliged to provide landlord information as well as their own. The minority feels the burden of secondary notification will be borne by all the customers. The minority supports HB 1329 with the exception of Section 1 and hope that the question of dividing Section 1 will be successful so a good piece of legislation will not be lost.

#### **Amendment (3890h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Notification of Property Owner or Condominium Association. Amend RSA 363-B by inserting after section 2 the following new section:

363-B:3 Notification of Property Owner or Condominium Association. Notwithstanding any other provisions of state law, any electric or gas public utility may, prior to terminating residential service to a tenant or to a condominium owner, provide notice of the termination to the property owner, in the case of a tenant, or any associated condominium association when:

I. The termination of service is to occur between November 1 and April 30, inclusive of beginning and end dates; and

II. The property owner or the condominium association has requested that it, or its agents, be notified in such instances.

2 New Section; Rulemaking Authority. Amend RSA 365 by inserting after section 8 the following new section:

365:8-a Suppliers of Natural Gas and Aggregators of Natural Gas Customers; Rulemaking. The commission is authorized to adopt rules, pursuant to RSA 541-A, establishing requirements for suppliers of natural gas and the aggregators of natural gas customers, including registration of such suppliers and aggregators before soliciting or doing business in the state, registration fees, disclosure of information to customers, standards of conduct, submission to commission jurisdiction for mediation and resolution of disputes, imposition of penalties for failure to comply with commission requirements, and consumer protection and assistance requirements. This section shall not in any way affect the utility or non-utility status of any supplier of natural gas or aggregator of natural gas customers, nor shall it be construed to limit the commission's existing authority with regard to the regulation of gas utilities or the scope of the commission's authority in considering whether to expand the availability of competitive natural gas supplies through the distribution system of gas utilities.

3 New Subdivision; Gas Utility Restructuring Oversight Committee. Amend RSA 374 by inserting after section 59 the following new subdivision:

Gas Utility Restructuring Oversight Committee

374:60 Gas Utility Restructuring Oversight Committee Membership and Duties.

I. There is established a gas utility restructuring oversight committee to work with the commission to oversee issues related to competitive supply of natural gas to individual customers and potential restructuring of the gas utility industry in New Hampshire.

II. The members of the committee shall be as follows:

(a) At least 3 but not more than 5 members of the senate, appointed by the president of the senate.

(b) Five members of the house of representatives, appointed by the speaker of the house. The speaker of the house may also appoint up to 5 additional house members as alternates, if deemed appropriate.

III. The first-named house member shall call the first meeting which shall be held within 60 days of the effective date of this section. The members shall elect a chairperson at the first meeting. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Work with the commission to examine and oversee issues related to the competitive supply of natural gas to individual customers in New Hampshire, including the development of any new legislation necessary to provide for gas utility restructuring and retail choice of gas suppliers.

(b) Work with the commission and other agencies, where necessary, to implement gas utility restructuring.

V. The committee shall submit an annual report on or before November 1 of each year to the speaker of the house, the senate president, the house clerk, the senate clerk, the governor, and the state library.

4 Effective Date. This act shall take effect upon passage.

#### AMENDED ANALYSIS

This bill allows an electric or gas public utility to provide certain notice prior to terminating residential service. The bill authorizes the public utilities commission to adopt rules governing the requirement for suppliers of natural gas and aggregators of natural gas customers. The bill also establishes a gas utility restructuring oversight committee.

Adopted.



Rep. Bradley requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Bradley requested that Sec. 1 of the bill be voted on separately. The Speaker so ordered.

Rep. Pitts spoke against.

Rep. MacGillivray spoke in favor and yielded to questions.

Sec. 1 of the bill was adopted.

The remainder of the Bill was adopted and ordered to third reading.

**HB 1414**, authorizing the department of environmental services to discuss with other northeastern states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, and extending the reporting date of the committee to study the requirements for usage of MTBE. **OUGHT TO PASS WITH AMENDMENT**

Rep. Terie T. Norelli for Science, Technology and Energy: This bill was introduced by the committee to study requirements for and usage of methyl-t-butyl ether established through legislation passed last year. It extends the report date for the MTBE study committee. It authorizes the commissioner of the department of environmental services to discuss and encourage development of a regional gasoline with less or no MtBE additive with other states, and to promote the use of less polluting marine engines. As amended, the bill also requires that a municipality acquiring formerly owned electric utility generating plants certify that the municipality understands it will be subject to current and future environmental and safety regulations, notwithstanding Article 28-a of the constitution. Lastly, it allows the commissioner of DES to consider cost effectiveness when setting ambient groundwater quality standards. Vote 14-1.

#### **Amendment (3888h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds that:

I. The United States Environmental Protection Agency's National Blue Ribbon Panel on MTBE has recently examined oxygenates in gasoline in general, and methyl t-butyl ether (MTBE) in particular, and has concluded that the oxygenate requirement for gasoline of the federal Clean Air Act should be eliminated and that the use of MTBE in gasoline should be phased out.

II. State by state standards for gasoline composition would result in a complex and inefficient regulatory system for fuels, with negative financial effects on refiners and consumers.

III. Therefore, the department of environmental services should aggressively pursue options for establishing consistent requirements for gasoline composition on a regional basis. The total environmental impacts on air and water of any proposed regional gasoline formulations should be carefully examined, and care should be taken to preserve the cost-effective benefits of reformulated gasoline, including reductions in Reid vapor pressure, toxics, and aromatics. Requiring ethanol, or some other oxygenate, instead of eliminating the oxygenate requirement, is not a desirable option.

IV. Since 4-cycle marine engines, and redesigned 2-cycle marine engines that meet federal model year 2007 standards, are far less polluting than existing 2-cycle marine engines, the state should encourage the use of these cleaner marine engines by the state and others. The general court commends those state agencies that have already decided to purchase only these cleaner marine engines, including the departments of safety and environmental services, and strongly encourages all other state agencies to do so as well.

V. It is desirable that municipal electric utilities continue to be allowed to construct or purchase electricity generation plants. It is also desirable that the state retain the authority to establish and implement environmental and safety regulations for such plants on an equitable financial basis with other electricity generation plants with which they compete. Therefore, the general court specifically limits its grant of authority to municipal electric utilities to construct or purchase electricity generation plants by stating that this authority may be exercised only if the municipal electric



utility understands that by undertaking such action it will be subject to all environmental and safety regulations regarding such plants, and that no future environmental or safety regulation of such plants shall in any way be construed as "new, expanded, or modified programs or responsibilities" under part 1, article 28-a of the state constitution.

2 Authority of the Commissioner of Environmental Services. The commissioner of environmental services shall have the authority to:

I. Discuss and encourage the development of a regional gasoline containing less or no MTBE additive with the appropriate departments and agencies in other states, especially northeastern states.

II. Promote the use of less polluting 4-cycle marine engines, and redesigned 2-cycle marine engines that meet federal model year 2007 standards, by the state and others.

3 Committee to Study Requirements for and Usage of Methyl-T-Butyl Ether; Report; Date Extended. Amend 1999, 55:6 to read as follows:

55:6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [1999] 2000.

4 New Section; Municipal Electric, Gas, Or Water Systems; Municipal Electric Utility Certification of Understanding. Amend RSA 38 by inserting after section 36 the following new section:

38:37 Municipal Electric Utility Certification of Understanding. Any municipal electric utility that after January 1, 2000, establishes, expands, takes, purchases, leases, or otherwise acquires one or more suitable plants for the manufacture of electricity in accordance with this chapter shall, prior to such action, certify to the chairperson of the public utilities commission that it understands that by undertaking such action it will be subject to all environmental and safety regulations regarding such plants, and that no future environmental or safety regulation of such plants shall in any way be construed as "new, expanded, or modified programs or responsibilities" under part 1, article 28-a of the state constitution.

5 Water Management and Protection; Groundwater Protection Act; Ambient Groundwater Quality Standards. Amend RSA 485-C:6, 1 to read as follows:

I. The commissioner shall establish and adopt ambient groundwater quality standards for regulated contaminants which adversely affect human health or the environment. Ambient groundwater standards shall apply to all regulated contaminants which result from human operations or activities, but do not apply to naturally occurring contaminants. Where federal maximum contaminant level or health advisories have been promulgated under the Federal Safe Drinking Water Act or rules relevant to such act, ambient groundwater quality standards shall be equivalent to such standards. Where such standards are based upon cancer risks, the ambient groundwater quality standards shall be equivalent to that exposure which causes a lifetime exposure risk of one cancer in 1,000,000 exposed population, *unless the commissioner finds that this would not be cost effective*. Where no federal maximum contaminant level or health advisory has been issued, the commissioner may adopt ambient groundwater quality standards on a basis which provides for an adequate margin of safety to protect human health and safety.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Authorizes the commissioner of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, and to promote the usage of less polluting 4-cycle marine engines by the state and others.

II. Extends the report date for the committee to study requirements for and usage of methyl-t-butyl ether.

III. Requires that any municipal electric utility which, after January 1, 2000, acquires one or more plants for the manufacture of electricity shall, prior to such action, certify to the public utilities commission that it understands that by undertaking such action it will be subject to current and future environmental and safety regulations.

IV. Provides that the commissioner of environmental services may consider cost effectiveness when setting ambient groundwater quality standards.

Adopted.

Report adopted and ordered to third reading.

**HCR 34**, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers. **OUGHT TO PASS**

Rep. Eugene L. Gagnon for State-Federal Relations and Veterans Affairs: This resolution urges Congress to investigate the rising cost of gasoline and diesel fuel. Currently the continued increased costs of the transportation fuels has a severely disastrous effect on the movement of goods and materials within our state certainly, it affects our tourist industry. Vote 10-6.

Adopted and ordered to third reading.

**HB 1620-FN**, relative to driver record information. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Alfred C. Lerandeanu for Transportation: This bill will bring New Hampshire into compliance with federal law (Section 350 of Public Law 106-69) commonly known as the Shelby amendment concerning the release of motor vehicle records. This is an opt in provision for bulk distribution of surveys, mass marketing or solicitations. This bill will protect the citizens of NH from having their personal motor vehicle records from being obtained by these entities. For those entities that are entitled to access of motor vehicle records under RSA 260:14, this bill also puts stringent guidelines on the resale of those records. Vote 16-3.

### Amendment (3938h)

Amend the introductory paragraph of RSA 260:14, IV(a) as inserted by section 2 of the bill by replacing it with the following:

IV.(a) Except for a person's photograph, computerized image and social security number, motor vehicle records shall be made available, upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the ~~use of the~~ records will be strictly limited to one of the following described uses:

Amend the bill by replacing sections 3 and 4 with the following:

3 Restriction on Uses of Motor Vehicle Records. Amend the introductory paragraph of RSA 260:14, V(a) to read as follows:

V.(a) Except for a person's photograph, computerized image and social security number, motor vehicle records may be made available upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the use of the records will be strictly limited to one or more of the following described uses, ~~[each such use to be separately described]~~ *which use shall be specified in the request*:

4 Access to Motor Vehicle Records by Banking Institutions. RSA 260:14, V(a)(3) is repealed and reenacted to read as follows:

(3) For use with respect to a request for a named person's motor vehicle records by a banking or similar institution, in the normal course of business, but only to verify the accuracy of personal information submitted by the individual to the bank and if such information is incorrect, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

Amend RSA 260:14, V(b)(1) as inserted by section 6 of the bill by replacing it with the following:

(b)(1) A person may elect at any time not to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1), (2), (3), (4), (5), (6) and (7). A person who so elects shall inform the department in writing, and the department shall not thereafter make the personal information available, nor shall the department make available a list of the persons who have so elected. Any elections previously made under this section shall continue in effect.

Amend RSA 260:14, VI(b) as inserted by section 8 of the bill by replacing it with the following:

(b) An authorized recipient of personal information for a particular use under subparagraphs V(a)(4), (8), and (9) may sell, rent, transfer or make the information available to another person for the same use only, subject to the limitations in the particular subparagraph.

Amend the bill by replacing section 9 with the following:

9 Penalties for Unlawful Use of Motor Vehicle Records. Amend RSA 260:14, IX to read as follows:

IX.(a) ~~[A]~~ *Any natural* person is guilty of a ~~[class-B]~~ misdemeanor if such person knowingly discloses information from a department record to a person known by such person to be an unauthorized person; knowingly makes a false representation to obtain information from a department record; or knowingly uses such information for any use other than the use authorized by the de-

partment. In addition, any professional or business license issued by this state and held by such person may, upon conviction and at the discretion of the court, be revoked permanently or suspended. Each such unauthorized disclosure, unauthorized use or false representation shall be considered a separate offense.

*(b) A person is guilty of a class B felony if such person knowingly sells, rents, transfers or otherwise makes available any motor vehicle records to another person in violation of this section.*

Amend the bill by replacing section 10 with the following:

10 New Paragraphs; Fees for Release of Motor Vehicle Records. Amend RSA 260:14 by inserting after paragraph XII the following new paragraphs:

XIII. Notwithstanding the provisions of RSA 91-A, the department may charge reasonable fees for the release of information under this section. In determining a reasonable fee, the department shall consider factors such as labor and production costs, as well as the market value of the information.

XIV. Any person determined by the commissioner, after hearing, to have violated any provisions of this section may be barred from receiving motor vehicle records for a period not to exceed 5 years.

XV.(a) Motor vehicle records obtained from the department under this section shall be obtained separately for each use specified under this section, one use to a request, provided that the commissioner may grant a request from a legitimate business for multiple uses if:

(1) The commissioner determines the legitimate business has responsible business practices including, but not limited to, data privacy and security policies.

(2) The legitimate business provides the commissioner with a list of all users of the information, including the name and address of the business.

(3) The subsequent users are required by the legitimate business to certify compliance with RSA 260:14 and shall be conspicuously informed that they are prohibited from reselling, transferring, or assigning any motor vehicle record information, including personal information;

(4) The legitimate business certifies its compliance with RSA 260:14 on a form prescribed by the department, including posting a bond if required by the commissioner.

(b) All legitimate businesses approved under this paragraph shall be charged a reasonable fee as determined by the commissioner that reflects the number of multiple uses authorized, the volume of the legitimate business' resale business, and the market value of the information.

XVI. The commissioner may limit the information contained in motor vehicle records released to any person under this section if it is determined by the commissioner that the release of certain personal information is unnecessary.

XVII. The provisions of this section shall be severable any if any phrase, clause, sentence or provision is declared contrary to the constitution of this state or the United States.

Rep. Packard spoke against.

The amendment failed.

Rep. Packard offered a floor amendment.

### **Floor Amendment (3984hh)**

Amend the introductory paragraph of RSA 260:14, IV(a) as inserted by section 2 of the bill by replacing it with the following:

IV.(a) Except for a person's photograph, computerized image and social security number, motor vehicle records shall be made available, upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the ~~use of the~~ records will be strictly limited to one of the following described uses:

Amend the bill by replacing sections 3 and 4 with the following:

3 Restriction on Uses of Motor Vehicle Records. Amend the introductory paragraph of RSA 260:14, V(a) to read as follows:

V.(a) Except for a person's photograph, computerized image and social security number, motor vehicle records may be made available upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the use of the records will be strictly limited to one or more of the following described uses, ~~[each such use to be separately described]~~ *which use shall be specified in the request:*



4 Access to Motor Vehicle Records by Banking Institutions. RSA 260:14, V(a)(3) is repealed and reenacted to read as follows:

(3) For use with respect to a request for a named person's motor vehicle records by a banking or similar institution, in the normal course of business, but only to verify the accuracy of personal information submitted by the individual to the bank and if such information is incorrect, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

Amend RSA 260:14, V(b)(1) as inserted by section 6 of the bill by replacing it with the following:

(b)(1) A person may elect at any time not to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1), (2), (3), (4), (5), (6) and (7). A person who so elects shall inform the department in writing, and the department shall not thereafter make the personal information available, nor shall the department make available a list of the persons who have so elected. Any elections previously made under this section shall continue in effect.

Amend RSA 260:14, VI(b) as inserted by section 8 of the bill by replacing it with the following:

(b) An authorized recipient of personal information for a particular use under subparagraphs V(a)(4), (8), and (9) may sell, rent, transfer or make the information available to another person for the same use only, subject to the limitations in the particular subparagraph.

Amend the bill by replacing section 9 with the following:

9 Penalties for Unlawful Use of Motor Vehicle Records. Amend RSA 260:14, IX to read as follows:

IX.(a) A person is guilty of a ~~class B~~ misdemeanor if such person knowingly discloses information from a department record to a person known by such person to be an unauthorized person; knowingly makes a false representation to obtain information from a department record; or knowingly uses such information for any use other than the use authorized by the department. In addition, any professional or business license issued by this state and held by such person may, upon conviction and at the discretion of the court, be revoked permanently or suspended. Each such unauthorized disclosure, unauthorized use or false representation shall be considered a separate offense.

(b) A person is guilty of a class B felony if, in the course of business, such person knowingly sells, rents, offers, or exposes for sale motor vehicle records to another person in violation of this section.

Amend the bill by replacing section 10 with the following:

10 New Paragraphs; Fees for Release of Motor Vehicle Records. Amend RSA 260:14 by inserting after paragraph XII the following new paragraphs:

XIII. Notwithstanding the provisions of RSA 91-A, the department may charge reasonable fees for the release of information under this section. In determining a reasonable fee, the department shall consider factors such as labor and production costs, as well as the market value of the information.

XIV. Any person determined by the commissioner, after hearing, to have violated any provisions of this section may be barred from receiving motor vehicle records for a period not to exceed 5 years.

XV.(a) Motor vehicle records obtained from the department under the provisions of subparagraph V(a)(4) and (8) shall be obtained separately for each use specified under subparagraph V(a)(4) and (8), one use to a request, provided that the commissioner may grant a request from a legitimate business for multiple uses if:

(1) The commissioner determines the legitimate business has responsible business practices including, but not limited to, data privacy and security policies.

(2) The legitimate business provides the commissioner with a list of all users of the information, including the name and address of the business.

(3) The subsequent users are required by the legitimate business to certify compliance with RSA 260:14 and shall be conspicuously informed that they are prohibited from reselling, transferring, or assigning any motor vehicle record information, including personal information.

(4) The legitimate business certifies its compliance with RSA 260:14 on a form prescribed by the department, including posting a bond if required by the commissioner.

(b) All legitimate businesses approved under this paragraph shall be charged a reasonable fee as determined by the commissioner that reflects the number of multiple uses authorized, the volume of the legitimate business' resale business, and the market value of the information.



XVI. The commissioner may limit the information contained in motor vehicle records released to any person under this section if it is determined by the commissioner that the release of certain personal information is unnecessary.

XVII. The provisions of this section shall be severable if any phrase, clause, sentence or provision is declared contrary to the constitution of this state or the United States.

Adopted.

Report adopted and ordered to third reading.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill numbered 1628 and House Resolution numbered 24 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILL and HR

### First, second reading and referral

**HB 1628-FN-A-L**, establishing a reformed public school financing system for ensuring educational adequacy for all children; establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor. (Hess, Merr 11; Chandler, Carr 1; Clegg, Hills 23; Kurk, Hills 5: Finance)

**HR 24**, requesting an opinion of the justices on the constitutionality of HB 1628-FN-A-LOCAL, "An act establishing a reformed public school financing system for ensuring educational adequacy for all children; establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor." (Hess, Merr 11; Chandler, Carr 1; Clegg, Hills 23; Kurk, Hills 5)

## SUSPENSION OF RULES

Reps. Chandler and Burling move that House Rule 64 be so far suspended as to permit referral by April 13, 2000 for the following bills needing referral to a second committee, with final action on those bills by April 27, 2000. Final action on all other House bills will be by April 20, 2000:

**HB 735-FN-A**, establishing a contributory judicial retirement plan.

**HB 1369-FN-L**, clarifying authority to regulate asbestos.

**HB 1452**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities.

**HB 1469**, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency.

**HB 1521-FN-L**, relative to the definition and administration of an adequate education.

**HB 1618**, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations.

**HB 1623**, relative to the disclosure of customer financial information by financial institutions.

**HB 1624**, relative to administrative rules concerning sales of pari-mutuel pools.

**HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond.

**HB 1626-FN**, establishing a program to rebate certain excessive property tax payments of eligible taxpayers.

**HB 1627**, relative to the exchange of certain land in the town of Rindge.

**HB 1628-FN-A-L**, establishing a reformed public school financing system for ensuring educational adequacy for all children; establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor.

**HB 2000-FN-L**, relative to 10-year transportation plan.

**HJR 26**, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

**HCR 35**, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

**CACR 39**, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total annual statewide cost of public education for kindergarten

through grade 12 and that the general court shall have the power to apportion this amount by statute; that the state shall support access to a continuum of educational opportunities including early childhood and postsecondary education at a financial level deemed appropriate by statute; and that beginning April 1, 2001, no property tax in any form shall be used to fund the state's obligation to cherish and support public education.

Reps. Chandler and Burling spoke in favor.

Adopted by the necessary two thirds.

## SENATE MESSAGES

### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 1198**, establishing a procedure for the 2001 voter checklist verification.

The President appointed Sens. Trombly, Disnard and Eaton.

**HB 1200-FN**, relative to the application of education property tax hardship relief to estate planning trusts.

The President appointed Sens. McCarley, Gordon and Larsen.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 13, 2000 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**HB 1183**, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements.

**HB 1335**, requiring hospitals to disclose certain information to the attorney general.

**HB 1589**, prohibiting the use of genetic testing for certain insurance policies.

**HB 1224**, relative to the process for nonrenewal of teacher contracts.

**HB 1619-FN**, relative to school employee and volunteer background investigations.

**HB 1342-FN**, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge.

**HB 1410**, relative to the joint health council.

**SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor.

**SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction.

**HB 1309**, relative to wood-to-energy rate order buydowns.

**HB 1329**, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

**HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

**HCR 34**, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers.

**HB 1620-FN**, relative to driver record information.

## UNANIMOUS CONSENT

Rep. Haettenschwiller addressed the House.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of Senate bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:55 p.m.

**RECESS**

**(Rep. McGough in the Chair)**

**RESOLUTION**

Rep. David Cote offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 360, 379 and 399 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

*SB 360*, adopting a pupil safety and violence prevention act. (Education)

*SB 379-FN*, relative to lottery scratch tickets. (Finance)

*SB 399-FN-A*, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. (Wildlife and Marine Resources)

**RECESS**

**(Rep. Whalley in the Chair)**

**SENATE MESSAGES****CONCURRENCE**

*HB 568*, establishing a program for performance evaluations of judges.

*HB 617-FN-A-L*, relative to funding and monitoring seacoast harbor issues.

*HB 630-FN-L*, relative to the Skyhaven airport transfer plan.

*HB 699-FN-A*, establishing the granite state scholars program and making an appropriation therefor.

*HB 1175*, relative to license renewal for dental hygienists.

*HB 1179*, relative to final orders of the public utilities commission.

*HB 1318*, establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

*HB 1362-L*, relative to the reconsideration of cost apportionment within a cooperative school district.

*HB 1462*, extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources.

*HB 1613*, exempting police officers on bicycles from certain motor vehicle laws and rules.

**NONCONCURRENCE**

*HB 273-FN-L*, establishing a school building aid oversight committee.

*HB 514-L*, relative to change of school assignment and transfers of public school pupils.

**CONCURRENCE WITH AMENDMENT**

*SB 357*, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect.

**ENROLLED BILL AMENDMENT**

*HB 1374*, extending the reporting date for the sex offender issues study committee.

**Amendment (4014-EBA)**

Amend RSA 1999, 89:2, I as inserted by section 2 of the bill by replacing line 2 with the following:

(a) Four|7 members of the house of representatives, one of whom shall be from the  
Adopted.

## RECESS

(Rep. McGuirk in the Chair)

## SENATE MESSAGES

## CONCURRENCE

*HB 51*, providing for the voluntary registration of commercial maple producers and maple packers.*HB 279-FN-A*, relative to refinancing the cost and rehabilitation of the Cheshire Bridge.*HB 1110*, establishing a committee to study landlord-tenant issues.*HB 1172*, providing staggered terms for agricultural advisory board members.*HB 1199*, establishing a study committee on funding for affordable housing.*HB 1234*, relative to special commissions to perform marriages in New Hampshire.*HB 1235*, relative to defining surface waters.*HB 1256*, clarifying certain health care laws.*HB 1258-FN*, relative to invasive plant, insect, and fungal species.*HB 1282*, establishing a committee to study the possibility of self-insuring state employees.*HB 1311*, relative to payment of employer contributions for unemployment compensation.*HB 1321*, relative to certain funds collected by order of the public utilities commission.*HB 1326*, relative to managed care programs under workers' compensation.*HB 1337*, repealing the New Hampshire foundation for mental health.*HB 1416-FN*, establishing a brownfields cleanup revolving loan fund.*HB 1502*, relative to lead paint abatement.*HB 1512-FN*, establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.*HCR 31*, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day.

## NONCONCURRENCE

*HB 1166*, relative to confidentiality and information collection by the department of agriculture, markets, and food.*CACR 5*, relating to vote and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.

## CONCURRENCE WITH AMENDMENTS

*SB 76-L*, establishing a pilot program allowing certain economically depressed municipalities to offer tax exemptions to foster public accommodation and industrial construction.*SB 170-FN-A*, establishing a Parents as Teachers Program in Sullivan county and making an appropriation therefor.

## ENROLLED BILL AMENDMENTS

*HB 699-FN-A*, establishing the granite state scholars program and making an appropriation therefor.

## Amendment (4028-EBA)

Amend RSA 188-D:42 as inserted by section 2 of the bill by replacing lines 1-7 with the following:  
 188-D:42 Investment of State Matching Funds. A participating institution shall invest all funds in the endowment fund provided that:

I. All earnings including interest, dividends, equity appreciation, and any other form of increased value shall be reinvested in the endowment fund or distributed to granite state scholars.

II. The historic dollar value of the endowment fund as defined in RSA 292-B:1-a, V shall not be invaded, transferred, or used for any purpose other than the program.

III. The funds are invested consistent with the provisions of RSA 292-B.

Adopted.

*HB 1175*, relative to license renewal for dental hygienists.



**Amendment (3999-EBA)**

Amend the bill by replacing sections 3 and 4 with the following:

3 Effective Date. This act shall take effect July 1, 2000 at 12:01 a.m.

Adopted.

**SB 381**, relative to registration fees for off-highway recreation vehicles. (Amendment printed SJ 4/6/00)

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 449, 568, 569, 617, 630, 1179, 1318, 1362, 1435, 1462, 1594 and 1613 and Senate Bills 331, 333, 336 and 357.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**(Rep. L'Heureux in the Chair)**

**RESOLUTION**

Rep. Gorman offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 132, 359, 401, 406, 413 and 436 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading and referral**

**SB 132**, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge. (Resources, Recreation and Development)

**SB 359**, establishing a committee to study the issues relative to manufactured housing parks in New Hampshire. (Commerce)

**SB 401-FN-A-L**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. (Resources, Recreation and Development)

**SB 406-FN-L**, prohibiting the use of reformulated gasoline with watercraft on or in bodies of water that provide public water supplies. (Resources, Recreation and Development)

**SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault. (Criminal Justice and Public Safety)

**SB 436**, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated. (Criminal Justice and Public Safety)

**RECESS**

**(Rep. Dickinson in the Chair)**

**ENROLLED BILL AMENDMENTS**

**HB 1110**, establishing a committee to study landlord-tenant issues.

**Amendment (4073-EBA)**

Amend section 3 of the bill by replacing subparagraph I (d) with the following:

(d) Hotels, motels, lodges, inns, bed and breakfasts.

Adopted.

**HB 1282**, establishing a committee to study the possibility of self-insuring state employees.

**Amendment (4061-EBA)**

Amend section 1 of the bill by replacing line 1 with the following:

1 Committee Established. There is established a committee to study the possibility of self-insuring

Adopted.

**RECESS**

**(Speaker Sytek in the Chair)**

Rep. Chandler moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 13**

Thursday, April 13, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

All embracing Creator, today we honor the tartan of New Hampshire as a symbol of our beloved state whose citizenry is, like the tartan, colorful, bright, and one of a kind. We cannot find adequate words of thank you for all the blessings we share. We thank You for the freedom of our democracy which demands our best efforts. We thank You for the freedom to speak openly and without fear which demands our courage. We thank You for the freedom to worship as our heart leads which demands that we be open to one another without judgment or fear. Above all, we thank You for the men and women who founded our noble country. May the decisions and actions taken in this hallowed chamber today serve to enable every citizen of New Hampshire to grow to their highest and best potential for the common good of all. Amen.

Rep. Garrish led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Patricia Cote, Grassie, LaMott, Perkins and Searles, the day, illness.

Reps. Asplund, DePecol, Glines, Grant, Hansen, Holley, Maxfield, McDonough-Wallace, Mears, O'Keefe, Marsha Pelletier, Riley, Scanlan and Woodward, the day, important business.

Rep. Beaulieu, the day, death in the family.

**INTRODUCTION OF GUESTS**

Former NH Rep. Ann Torr, guest of the House. Du Shinn, guest of Rep. Arthur. Maureen Mooney, guest of Rep. Batula. Bill and Elizabeth Gabler, guests of Rep. Harmon. Louise Remington, guest of Rep. Alger. Jim Holland, guest of Rep. Stickney. Barbara Brewster and Audry Shaeffer, wife and guest of Rep. Brewster. Derek Kehoe, guest of Rep. Ham. Linda Hunt, wife of Rep. Hunt

**SPECIAL GUESTS**

Rep. Avery introduced Hon. George Fergusson, Her Majesty's Consul General for New England, guest of the House. Bagpiper Gordon Webster and New Hampshire Highland Dancers Hanna Carbonneau, Betsey Parke, Laura Caulder and Mariel Webster, who performed for the House in honor of New Hampshire Tartan Day.

Rep. Rosen moved that the remarks made by Rep. Avery be printed in the Journal.

Adopted.

**REMARKS**

Rep. Avery: Thank you, Madam Speaker. Today, my fellow Representatives, as we have done for the past few years, we are celebrating New Hampshire Tartan Day. It is the day we recognize those achievements that Scots and Scottish Americans have made on behalf of the State of New Hampshire and the United States. The day, as I have mentioned before, that marks the anniversary of the Declaration of Arbroath, the document that was signed on April 6 in the year 1320 declaring Scottish Independence, and a document many credit as being a model for our own United State Declaration of Independence. It is also the first anniversary of the new Scottish Parliament that was dormant for over 250 years. Madam Speaker, the most important phrase of that historical document is especially important today, "It is in truth, not for glory nor riches nor honors that we are fighting, but for freedom. For that alone which no honest man gives up but with life itself." Today we take special note of the men and women of the American armed forces and other forces of all nationalities who are today fighting for these same principles of freedom for all people. They have our prayers and best wishes and our fervent hopes that someday all peoples on this earth shall be free.

Piper Gordon Webster piped "Flowers of the Forest" and "Amazing Grace" in memory of Sen. Clesson Blaisdell and Reps. Paul A. Golden, Kenneth J. MacDonald and Marie C. Hawkinson.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1264-FN**, relative to the unlawful use of theft detection shielding devices. (Amendment printed SJ 3/30/00)

Rep. Welch moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1301**, relative to regional appointments to the state committee on aging. (Amendment printed SJ 3/30/00)

Rep. Emerton moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1413**, relative to the rights of ownership of cemetery plots or burial spaces. (Amendment printed SJ 3/30/00)

Rep. Hess moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1583**, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. (Amendment printed SJ 4/6/00)

Rep. Mercer moved that the House concur.

Adopted by the necessary two-thirds.

**CLERK'S NOTE**

The constitutionally required two-thirds of the membership was declared present.

**HB 305-A**, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey. (Amendment printed SJ 4/6/00)

Rep. Edwin Smith moved that the House concur.

Adopted.

**HB 1161**, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws. (Amendment printed SJ 3/30/00)

Rep. Packard moved that the House concur.

Adopted.

**HB 1588**, relative to the authority of the department of transportation regarding rail safety inspections. (Amendment printed SJ 3/30/00)

Rep. Packard moved that the House concur.

Adopted.

**RESOLUTION**

Its introduction having been approved by the Rules Committee:

Reps. Chandler and Burling offer the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution numbered 50 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

**INTRODUCTION OF HR****First and second reading**

**HR 50**, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and or any other justice of the New Hampshire supreme court. (Mirski, Graf 12; Chandler, Carr 1; ; Burling, Sull 1; Hess, Merr 11; Richardson, Ches 12).

**CONSIDERATION OF HR 50**

Rep. Mirski moved that *HR 50*, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and or any other justice of the New Hampshire supreme court, be adopted.

Reps. Boyce and Simon moved that the debate on the consideration of House Resolution 50 be printed in the Journal.

Adopted.

Speaker Sytek: The Chair recognizes the member from Enfield, Rep. Mirski.

Rep. Mirski: Thank you, Madam Speaker. I think the events of the last couple of weeks beg the adoption of this resolution by this House. I think everyone here knows what my general sentiments are. I want to thank the leadership on both sides of the aisle here for their support. But, there is a person in this House who is a co-sponsor who I think deserves special notice and that is the representative from Richmond. When we served on Fairbanks II together, a number of individuals, the majority of the committee at one point, had reached such a state of frustration trying to get at the secret records of complaints against the court, that the representative from Richmond, in quite a bold move in the committee, moved to subpoena those records from the court. I don't know when that's ever been done before in this institution, but it was certainly a remarkable event at the moment. While that effort initially failed, it was a spark for a lot of us to really make a resolve to continue working on this. My thanks to her in particular for supporting this resolution and, to the extent that you can, you ought to thank her for igniting the interest on this subject.

I don't want to take a lot of your time as I have been down here many times on this subject. I don't think as a practical matter that there is anything else that this institution can do as a public act that can begin the road to recovery, that is the road to recover, somehow, the status which the court really truly deserves. I think we are blessed to have an honorable Chairman of the Judiciary Committee where they have already begun some work which gives me great confidence in the selection of counsel. I can't believe that this entire process will be done in anything except in accordance with the highest ethical standards. I really do just simply say to you that this is a wonderful opportunity for us. We are watching the Constitutional protections in action. We are watching checks and balances in action. It gives us an historic opportunity to be a part of that and I urge you to vote "yes". Thank you, Madam Speaker.

Speaker Sytek: The question is on the adoption of the motion by Rep. Mirski. The Chair recognizes the member from Concord, Rep. Hager.

Rep. Hager: Thank you, Madam Speaker. I, too, rise in support of this resolution. I was going to say that I was coming to this with a completely different point of view than the distinguished gentleman who spoke ahead of me but we actually are saying very similar things this morning. I just would like to add, however, that over the years I have been proud of our judicial branch, just as I have been proud of this legislative branch and the executive. I was deeply hurt, just as the majority of the citizens in our state were, about what we learned two weeks ago. I, however, do not believe as many have tried to portray it in the media, that we have seen impeachable offenses. But, what I believe or what other individuals in this state believe is not the issue. The issue is that our branch of government is stepping forward today in a reasonable manner to address what has transpired. I commend you, Madam Speaker, for providing the leadership this past two weeks to bring this resolution to the floor today. I hope and believe that our Judiciary Committee, under the able leadership of Rep. Chairman Mock, who (is he still locked in his car somewhere?) will proceed as quickly and as openly as possible to respond to this resolution. After that has been completed and is behind us, I appeal to the entire judicial branch and the justices of the court to continue to work with this branch of government to open the conduct process as many of this body have tried to do in the past and to put this horrible episode behind us. I know that our judicial branch is respected throughout this nation and I think with what this branch of government can do, over hopefully the next very short period of time, that we can restore that respect throughout this nation. Thank you, Madam Speaker.

Speaker Sytek: Will the member yield to questions? Rep. Smith, you may inquire.

Rep. Marjorie Smith: Thank you very much, Madam Speaker. Madam Speaker, this is my concern and this is what my question is. I do not know if the behavior that has been referred to rises to an impeachable offense or if it is unacceptable but not impeachable. My concern has to do with the outcome of this process. I would like to ask you what you think the choices are. If the Judiciary



Committee, acting as I think we all know they will act, fairly, competently and carefully, were to decide that, in fact, this was an impeachable offense, would that then mean that we can all assume that everything is taken care of, and, by the same token, if the Judiciary Committee were to decide that it were [not] an impeachable offense would that mean that everything was taken care of? My concern is, is there anything in this resolution which would permit us to address systemic problems? And we can have a long list of what those might be, including how we appoint judges, the judicial conduct committee, a unified bar, a whole series of issues. Will this resolution in anyway close off the options to deal with systemic problems?

Rep. Hager: Rep. Smith, I have no idea. I would say, however, that I think this issue is as complex as one or more of the other issues we have been dealing with in this biennium. I would hope that the Speaker and the other leadership would plan a briefing for this entire House like the ones that were held on other complex issues so that we all together know the answer to your question. I have been told that the Judiciary Committee has been meeting and they have been asking the kind of questions you asked and have been brought up to speed so you might want to ask one of them. Thank you.

Speaker Sytek: The Chair recognizes the member from Manchester, Rep. Vaillancourt.

Rep. Vaillancourt: Thank you, Madam Speaker. I, too, rise in favor of this resolution and I think the previous question about the systemic nature of things brings us full circle back to where we were last year when we considered another action in this chamber, the Bill of Address, which 58 of us decided to vote in favor of then. My seatmate, way back in the back row got up and spoke and tried to blame some conduct on a systemic problem back then. I recall getting up here to point out some of the specifics because I did sit in on the hearings when the Bill of Address was brought by my dear colleague from the Enfield area and I think we learned that there was a lot more than systemic problems and I don't mean to say I-told-you-so, but I do mean to say that it was an indication a year ago that something was amiss as we sat through those hours of hearings. But, obviously it wasn't an indication that enough was amiss for many of us to vote for the Bill of Address. So, here we are now, back here with more evidence and I guess I should start with a confession. I was travelling up through Vermont recently. It seems like it always happens when I go through Vermont. I speed occasionally and I got a ticket for speeding. I didn't say, "I'm a legislator so don't give me the ticket." We are responsible for the laws we make. We should live up to the responsibility that we put forward for other people. So as soon as I get a little money I will be paying that ticket, hopefully soon. You know what I was thinking about? I wasn't just speeding that one time when I was caught. I probably speed on a regular basis. Do I go to the judge and do I say that I want you to give me a ticket just for this one time, but for every other time I have been speeding? No, I don't. Am I saying that there are probably other indications of some wrong doing on the part of the Chief Justice or certain justices that weren't caught? Could be. Could be. When I decided to enter government a few years ago, the thing that was first and foremost in my mind and remains so today whether it be here in this Chamber or in Manchester where I also serve on the Mayor and Aldermen or anywhere else, if I do nothing else, I will try to shine the light of public scrutiny into actions that are taken. If the public knows what is going on we will be better served, they will be better served. One of the charges against this judicial system, these justices, that is most disturbing to me is the fact that they tried to use a veil of secrecy to shield potential misdeeds. Today, we have the opportunity to shine that light very brightly and to serve us all better. As I say, no one is above the law, not those of us who make the laws, certainly the judges who swear to impartially uphold and interpret the laws. Because, what happens if we put one person above the laws? It leads to an erosion of our respect for the entire system of government. In fact, it can very easily lead to the social contract being broken and as you might recall, in this chamber, I've quoted the words of my favorite philosopher before. When the social contract is broken, we are in danger of reverting to that state of prenatence, that state of anarchy, when, to quote Thomas Hobbes, "Life was solitary, nasty, brutish and short." Crisis is not too inflammatory a word for what these justices have potentially placed us in. They have placed our society in the danger of reverting to prenatence, of having respect for the rule of law destroyed and reverting to the state of anarchy. As guilty as this justice or these justices may be for doing that, we would be equally as guilty if we failed to hold him or them accountable. Thank you, Madam Speaker.

Speaker Sytek: The Chair recognizes the member from Cornish, Rep. Burling.

Rep. Burling: Thank you, Madam Speaker. Colleagues, I rise in support of the adoption of this resolution. In so doing, I want to say a few words of thanks to begin: Madam Speaker, to you, for

an extraordinary week of real leadership and dedication to the constitutional principles upon which this government stands; to the representative from Bartlett for a similar demonstration of real leadership, collegiality and an opportunity to work together in a way that was productive and wise; to my fellow member of the bar, Rep. Hess, who has been a profound source of judgement, knowledge, information and appropriate advice. We came here to present you with a question and an opportunity for each of you to answer that question. Do we wish to continue an investigation into facts which may or may not, may or may not, prove to serve as grounds for a bill of impeachment on one or more counts? I choose not to prejudice. I will not prejudice. I do support the continuation of the process and I would ask each of you to remember as we decide whether or not to begin this voyage together, that this is a two-stage process. In the first instance, if we choose to vote "yes" by majority vote today, we will in so doing ask the Judiciary panel to act for us in taking on an extremely important investigation, a review of evidence, a review of facts, a searching for the truth. As they pursue that process, if we decide to ask them that, each and every one of us should remember that those members of the Judiciary Committee are acting for us. They are our designees. They are our colleagues and every single one of them is worthy of our support, our friendship, our advice, our collegiality. Only in that environment will their efforts succeed. I, for one, intend to give them that in any way I can. If they find grounds for further proceeding or other recommendations they choose to make, they will come back to us and we will be asked once again to decide. That decision lies in the future. I don't know how today's vote is going to go. I don't know what is going to happen. I just wanted to close by saying this to my colleagues who are members of the Judiciary Committee. I could not be prouder of a panel of people. I could not be more sure of your capacity for good judgment. And I could not be more pleased to know that if this legislature votes in the affirmative today that you as a group of people are well-suited, well-equipped and thoroughly capable of doing this legislature proud. Thank you.

Speaker Sytek: Would the member yield to a question.? Rep. Keans, you may inquire.

Rep. Keans: Thank you, Madam Speaker. Rep. Burling, I am trying to match up what you have just said with what I thought I heard last week. As you know, the Judiciary Committee was called to a meeting in the Speaker's office. You were present. The Majority Leader was present. But, at any rate, during part of that meeting.

Rep. Burling: May I just correct one thing? I am not aware that I was called to a meeting of the entire Judiciary Committee.

Rep. Keans: I don't know how you got there. I will be perfectly honest on that. But, I will tell you that the Judiciary Committee was called to a meeting over there. We had thought the Speaker was going to come to our committee room. It turns out some of us were late getting there because we had gone to the committee room and the meeting place had been changed to the Speaker's office. You were present. You stood behind me. I know you were there. I felt you breathing down my throat.

Rep. Burling: Sorry. Now I've got the right meeting.

Rep. Keans: You see, that may be part of the problem here. Too many meetings took place with too few of us present. At that meeting we were told, and I will say I heard it very loudly and clearly, by the leadership of both parties that they were committed to a fair proceeding. Where I get confused is, I believe the Speaker and then reinforced by the Majority Leader, said that it would be a two-step process. My confusion is, my understanding of that two-step process does not match up with what you just said. I don't understand how you can have a two-step process if the second step requires further authorization. I was under the understanding and belief that two-steps were going to be authorized by this resolution today and then if anything further than that, would come back to this House for further proceedings. If you could straighten me out on that, please.

Rep. Burling: Well, let me try to do that. I believe that the process we are deciding to start or not today, is a classic Anglo-American two-step process consistent with our legal traditions back 500 years. If we decide to go forward today, the Judiciary panel will be asked to serve in rough approximation as a grand jury to hear evidence, to take testimony, to issue subpoenas or *subpoenas duces tecum* to bring forth information which they will evaluate in deciding whether or not to recommend that this House exercise its powers of impeachment through an appropriate bill. That investigative process will take place over the next few weeks. It will be in the control of the Judiciary panel and the Committee will come back to us at some point with a recommendation. The recommendation may take a number of forms. It may be in a draft form of a bill of impeachment. It may be in some other recommendations. It may be in a recommendation that no further action

proceed. I can't prejudge it. I don't think anybody in this room can prejudge what the panel will come back to us with. If there is a recommendation which includes one or more articles of a bill of impeachment, then it seems to me the second step is taken if this House chooses to accept such a bill. Then, the process contemplated by our Constitution, i.e. a trial before the Senate, would be instigated. I think there has been much discussion of this in individual meetings. Perhaps no explicit description at large, but if this House were to vote to accept a recommendation involving the exercise of the impeachment power then a group of managers and a counsel for the House would carry that bill of impeachment to our colleagues across the wall in the Senate and there would be a trial in the Senate. That is the second part of the process. That is the "two" step. At that moment we become, through our delegates, essentially the prosecutors and we would prosecute a trial before the Senate sitting as judges. That is what I think we have always talked about. That is what we are contemplating today. That will be what we do if we decide to go forward.

Rep. Keans: So, there is no second step. There is no step two unless the committee recommends impeachment.

Rep. Burling: That is not entirely correct. It is entirely possible the committee would come back with a recommendation which did not contemplate the exercise of the impeachment power and this House as a whole could vote to not accept that recommendation. That is a possibility. Whether it is a practical likelihood, I don't know. But, the second step that we are talking about begins when this House accepts or rejects a recommendation of the Judiciary Committee and takes further action. That is when the second step takes place.

Rep. Keans: Thank you, Rep. Burling. I think I'm getting a clearer picture of where we are at here, but, is it your understanding or is it anybody's understanding and I think it would be helpful for the full Judiciary Committee to understand, where we are at here. What happens to the subpoena authority and what happens to the outside counsel when we bring our recommendation back? Because it is my opinion, and I think it is the opinion across the state, that there are some fundamental problems in the court and I don't see how we get at that either with a "yes" impeach or a "no" impeach. Is it your opinion that the legal counsel and subpoena would be de-authorized after the recommendation either for or against an impeachment?

Rep. Burling: No. I think this is a very important point and I would like to read the third paragraph from the bottom. It is a single sentence. After the discussion of the subpoena power and the impeachment recommendation the language is, and it's on the top of page 993 in your calendar, colleagues: "That the committee shall report to the house of representatives such resolutions, articles of impeachment, or other recommendations as it deems proper." Now, that language includes within it the power to make suggestions for legislation; the powers for systemic review. Look at all the kinds of things that you as a committee member may feel is in need of work by this legislature. It is a large task that we ask of you, but, again, that is why I said I have such faith in each of you as individuals to do the job well.

Rep. Keans: With all due respect, I don't think that answered my question. Would there be an opportunity for the continuation of outside counsel and the continuation of subpoena power?

Rep. Burling: Oh, yes. I hate to be a lawyer—like in this, but

Rep. Keans: I think that is why you were a part of all those meetings. I wasn't a part of those.

Rep. Burling: I hope it had something to do with my status as Democratic Leader. The issue of counsel becomes very important if this legislature decides to go to step two. We will require the presence of counsel to manage the prosecution of any article of impeachment before the Senate. We will require the continued availability of the subpoena power because in the context of a prosecution of a case before the Senate we'll have to be able to compel witnesses to show up and testify as to what they know. During the recent impeachment proceeding in Washington, there was an agreement between House and Senate that they would proceed by offers of proof with written depositions. It is not at all clear that your committee and the Senate would agree to go that route. They might require actual physical testimony by people under subpoena. So, both the subpoena power and the advice of counsel would continue on into the second phase.

Rep. Keans: If we found impeachment. My question is if we find no reason for impeachment but there are systemic problems in the court system—in that situation?

Rep. Burling: Well, I can't prejudge that. Would you need the subpoena power to make an investigation of systemic problems which might have become obvious during the course of the investigation? Perhaps. But I think that that would be a thing brought up appropriately at that time.



Speaker Sytek: Would the member yield to further questions? Rep. Avery, you may inquire.

Rep. Avery: Thank you, Madam Speaker and thank you for taking my question, Rep. Burling. In the recent investigation by the Attorney General, the Attorney General plea-bargained with Justice Thayer and in return for his resignation did not prosecute him, as I understand it. And my question is: will the Judiciary Committee have the same kind of flexibility to do some kind of plea bargain with anybody that they find in jeopardy?

Rep. Burling: If I may, Madam Speaker, first let me say I don't have any knowledge that there was an explicit plea bargain between the Department of Justice and the justice who resigned. There are intimations in the press that such may have happened, but I know of no agreement and again this is a point in which I think we need to be very careful, I refuse to make conclusions without absolute proof. The mere fact that somebody said something on the front page of the state's largest newspaper doesn't do it. So, I don't draw the same conclusion you do. There was a very, I thought, explicit description by the Attorney General of why he had chosen not to prosecute; and taken by itself, that document, that statement, is, to me as a formerly practicing attorney, both clear and demonstrative of his extraordinary judgement. He made the right call. It was not a case which he could have tried in a criminal court and won. It certainly would have advanced nothing as far as I can see. Now, as to what powers the panel may have with regard to anybody in the future, I don't think there are any particular powers vested in them to reach an ultimate conclusion. We are all going to have to cast a vote at the end and that is where we are. If we decide go forward today, we are putting ourselves on the hook for making another vote. Thank you, Madam Speaker.

Speaker Sytek: The Chair recognizes the member from New London, Rep. Jacobson.

Rep. Jacobson: Thank you, Madam Speaker. I rise in support of this resolution which has its ultimate authority in Part II, Article 17 of the Constitution. What we are adopting by majority vote, if we so do today, we are adopting an investigation and that investigation begins as a blank page and as we hear the witnesses we will develop what are the true facts. I do not know what the true facts are now but that will be the responsibility of the Judiciary Committee and the result may be one of many conclusions. There may be evidence for impeachment. There may be evidence only for an address. There may be evidence for a public reprimand and there may be evidence that we need to make very fundamental changes in what has been the process today. All of those elements and possibly more are, in fact, available as ultimate conclusions. Now, obviously we all are aware that secrecy and confidentiality has turned out to be a major problem. Ironically it is Woodbury Langdon, who was the only person ever impeached who has illuminated for me what is the real meaning of independence and that is, as I have always believed, the independence to make judicial decisions. While he was impeached, they ultimately *nol-prossed* and then they tried an address and the Senate nonconcurred unanimously because in that particular instance there was a group of legislators who hated Woodbury Langdon because he criticized them for doing something what they should not have done and that is to nullify the decisions of the court and it is that independence that we must at all costs preserve. And so I urge you all to support this resolution. I have confidence in our distinguished Chairman and the members of the committee to do that which is right and what is always constitutional in the public interest. Thank you.

Speaker Sytek: Would the member yield to questions. Rep. Vaughn, you may inquire.

Rep. Vaughn: Thank you very much, indeed, Madam Speaker. The honorable member from New London, I know you are a country boy, but I have a question in transfer of power. The Judiciary Committee, acting as a whole, takes the power collectively of the House, the entire House, and it's placed on their shoulders. The current rules that we have, as I would understand, would possibly be set aside and the committee, the Judiciary Committee, would have to come up with their own set of rules. The question I have to you, having read this thoroughly and being a senior member of the House and President of the Senate at one time, do you see an opening for members of the House to suggest rules, specific rules, to the Judiciary Committee or do you see by this written declaration in House Bill 50, that that is up to the Judiciary Committee representing us? That is my question, thank you.

Rep. Jacobson: Well, I would agree that if members of the House have suggestions for rules that they be made to the Chairman. When I was Chairman of House Bill 1338, people did come to me with suggestions and we evaluated them. But, the ultimate decision must be made by the Committee.

Speaker Sytek: Would the member yield to another question? Rep. Wendelboe, you may inquire.

Rep. Wendelboe: Thank you, Madam Speaker. Rep. Jacobson, would you agree that, although the



Judiciary Committee is charged with being responsible for this investigation, that it is inherent upon the duties of all of us to be as involved as possible with that process by attending the hearings of the Judiciary Committee and that knowing our policy of public meetings that we encourage the members to attend those meetings, encourage the public to attend, history classes, our community TV and so on, so that this truly will not be something in secrecy but will be done in the open and that we shouldn't be concerned with who is going to make the rules but we should be more concerned with that we all make sure to be as knowledgeable as possible as to their investigation as it progresses. Would you agree?

Rep. Jacobson: My understanding is that every meeting will be held in public. If all members of the House show up we may have to have the meetings here, plus the gallery. But, I would be opposed to anything that is done in secret. I think everything should be out in the public.

Rep. Sytek: The Chair recognizes the final speaker, the member from Hooksett, Rep. Hess.

Rep. Hess: Thank you, Madam Speaker. This is a sad day for me just like I'm sure it is a sad day for all of you and, indeed, a sad day for the entire population of the state of New Hampshire. The revelations that have come to light over the last two weeks are troublesome but we have a process that is available to us to fully and completely and objectively scrutinize and investigate those allegations. It is not a decoration that is sitting up on the wall that can be admired but untouched or unused and it is not a museum piece although it is over 200 years old. It is process that was put into place in our constitution, our living constitution, so that when the situation called for it, it was there to be used. I'm going to ask you to join with me in simply asking yourself, or addressing the following four issues. If you, like me, were deeply disturbed and dismayed by the revelations that came out of the Attorney General's report just 13 days ago and even more so in the investigation file of some 120 pages, or if you, like me, were shocked to learn that Supreme Court Justices in the past, after having recused themselves from cases, thereafter participated in conferences and discussions and even the drafting of opinions in some way, on the very cases which they had recused themselves on contrary to the standards which that very same court has imposed on our planning boards, our zoning boards of adjustment, our boards of aldermen, our boards of selectmen, our city councils, administrative boards of the state and state officials, and if you, like me, read the words of the spokesman for the court who one week ago stated, and I quote, "The appropriate time for the court to comment on the matter is as part of a legislative inquiry," and if you, like me, believe that these revelations and these allegations need and must receive the scrutiny and the objective inquiry in open public under oath by one of our most respected standing committees which will be assisted by an outstanding special counsel, then fellow members, even if you don't share all those concerns with me, even if you don't share a majority of those concerns with me, if you share just one of those concerns with me, I urge you to join me in voting on this resolution so that the facts may become known and so that this House can make a decision, the right decision, when we have that information available. Thank you.

Reps. Chandler and Burling requested a roll call; sufficiently seconded.

The question being the adoption of the resolution.

## YEAS 343 NAYS 7

### YEAS 343

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Pilliod, James	Rice, Thomas	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine
Wood, Jane			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Hunt, John	Lerandeau, Alfred	Lynch, Margaret

Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy  
Smith, Edwin

Manning, Joseph  
Pratt, Irene  
Rose, William  
Zerba, Roger

McGuirk, Paul  
Richardson, Barbara  
Royce, H Charles

Meador, David  
Roberts, William  
Russell, Ronald

### COOS

Davis, Perley  
Landers, Dana  
Tholl, John Jr

Gallus, John  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

### GRAFTON

Akins, Ralph  
Cobb, John  
Gilman, G Michael  
Harmon, Hobart  
Marshall, Gene  
Picconi, Al

Alger, John  
Copenhaver, Marion  
Guest, Robert  
Hinman, Harry  
Mirski, Paul  
Solow, Martha

Almy, Susan  
Dudley, Terri  
Hall, David  
Johnson, Gary  
Nordgren, Sharon  
Ward, Brien

Brothers, Richard  
Eaton, Stephanie  
Ham, Bonnie  
MacNeil, Allen  
Phinney, William  
Weber, Phil

### HILLSBOROUGH

Ahern, Richard  
Arthur, Rose  
Belvin, William  
Bruno, Pierre  
Carlson, Donald  
Clemons, Jane  
Daigle, Robert  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Garrish, Linda  
Goulet, Maurice  
Herman, Richard  
Johnson, Lionel  
L'Heureux, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
McCarty, Winston  
Melcher, Harold  
Milligan, Robert  
Murphy, Robert  
Pappas, Marc  
Reidy, Frank  
Tate, Joan  
Wall, Nancy  
Withee, Dennis

Alukonis, David  
Baroody, Benjamin  
Bergeron, Lucien  
Buckley, Raymond  
Chabot, Robert  
Cote, David  
Daniels, Gary  
Drabinowicz, A Theresa  
Fenton, James  
Foster, Linda  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Hunter, Bruce  
Keye, Harvey  
LaPorte, George  
Leishman, Peter  
Lynde, Harold  
McColgan, Philip Jr  
Mendenhall, Leslie  
Moran, Edward  
O'Connell, Timothy  
Pepino, Leo  
Sarette, John  
Thulander, O Alan  
White, Donald

Andrews, Frederick  
Batula, Peter  
Bergin, Peter  
Burkush, James  
Christiansen, Lars  
Cote, Peter  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Franks, Suzan  
Goley, Jeffrey  
Hall, Betty  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James Sr  
Mercer, Robert  
Moriarty, Mary  
O'Hearn, Jane  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland  
White, John

Arnold, Thomas Jr  
Beaupre, Roland  
Brundige, Robert  
Calawa, Leon Jr  
Clegg, Robert Jr  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Gagnon, Eugene  
Gorman, Mary  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Lasky, Bette  
Lessard, Rudy  
Martel, Andre  
McGough, Tim  
Messier, Irene  
Mosher, William  
Ouellette, Dean  
Reeves, Sandra  
Simon, Anthony  
Vaillancourt, Steve  
Williams, Carol

### MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Kennedy, Richard  
Leber, William  
Moore, Carol  
Rodd, Beth  
St Cyr, Gerard  
Whalley, Michael

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
Rosenfield, Jay  
Virtue, Carolyn  
Whittemore, James

Brewster, Richard  
Davis, Francis  
French, Barbara  
Hoadley, Elizabeth  
Larrabee, David Sr  
Marple, Richard  
Poulin, Dave  
Seldin, Gloria  
Wallin, Jean  
Yeaton, Charles

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth  
Reardon, Tara  
Soltani, Tony  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
 Blanchard, MaryAnn  
 Clark, Martha  
 Cox, Russell  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, George  
 Kobel, Rudolph  
 Major, Norman  
 Morse, Charles  
 Noyes, Richard  
 Pitts, Jacqueline  
 Raynowska, Bernard  
 Sabella, Norma  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Weare, Everett  
 Whittier, John

Arndt, Janet  
 Bridle, Russell  
 Clark, Vivian  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, David  
 Gleason, John  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langley, Jane  
 McKinney, Betsy  
 Norelli, Terie  
 O'Neil, Michael  
 Priestley, Anne  
 Reardon, Neil  
 Sapareto, Frank  
 Splaine, James  
 Tufts, J Arthur  
 Weatherspoon, Jackie  
 Zolla, William

Belanger, Ronald  
 Case, Margaret  
 Cooney, Richard  
 Dearborn, Bruce  
 Dunham, Vivian  
 Flanders, John Sr  
 Griffin, Mary  
 Johnson, Robert  
 Kelley, Jane  
 Langone, John  
 Mikowski, Walter  
 Nowe, Mary Lou  
 Packard, Sherman  
 Putnam, Ed II  
 Rubin, George  
 Schanda, Frank  
 Stickney, Nancy  
 Varrell, Thomas  
 Welch, David

Bishop, Franklin  
 Christie, Andrew Jr  
 Corbin, C David  
 DiFruscia, Anthony  
 Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert  
 Kane, Cecelia  
 Kelley, William  
 Letourneau, Robert  
 Moore, Benjamin  
 Nowe, Ronald  
 Pantelakos, Laura  
 Quandt, Marshall  
 Ruffner, Walter  
 Shelton, Richard  
 Stone, Joseph  
 Vaughn, Charles  
 Weyler, Kenneth

**STRAFFORD**

Berube, Roger  
 DeChane, Marlene  
 Heon, Richard  
 Lent, Donald  
 Pelletier, Arthur  
 Snyder, Clair  
 Twardus, Joseph  
 Woods, Phyllis

Brennan, William  
 Domingo, Baldwin  
 Johnson, Nancy  
 Lundborn, Raymond  
 Rogers, Rose Marie  
 Spang, Judith  
 Vachon, Dennis

Brown, George  
 Estabrook, Iris  
 Kaen, Naida  
 McKinley, Robert  
 Rollo, Michael  
 Taylor, Kathleen  
 Vincent, Francis

Cossette, Larry  
 Gilmore, Gary  
 Knowles, William  
 Musler, George  
 Smith, Marjorie  
 Torr, Franklin  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Phinizz, James

Burling, Peter  
 Jones, Constance  
 Robb-Theroux, Amy

Cloutier, John  
 Kibbey, David  
 Tuthill, John

Donovan, Thomas Jr  
 Leone, Richard  
 Wiggins, Celestine

**NAYS 7****BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

Dwyer, Paul Sr

**MERRIMACK**

Owen, Derek

Potter, Frances

**ROCKINGHAM**

None

**STRAFFORD**

Brown, Julie

Callaghan, Frank

Dunlap, Patricia

Keans, Sandra

**SULLIVAN**

None

and the resolution was adopted.

ordered to third reading.

Rep. Dalianis declared a conflict of interest and did not participate.

Reps. Bickford, Holley, Martin and Scanlan did not vote and wished to be recorded in favor.

**REMOVED FROM THE TABLE**Rep. O'Hearn moved that *HB 1521-FN-L*, relative to the definition and administration of an adequate education, be removed from the table.

Rep. O'Hearn requested a roll call; sufficiently seconded.

**YEAS 203 NAYS 153****YEAS 203****BELKNAP**Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Thomas, JohnBoriso, Thomas  
Johnson, James  
Rice, Thomas  
Turner, RobertBoyce, Robert  
Lawton, David  
Rosen, Ralph  
Wendelboe, FrancineCzech, Stanley  
Millham, Alida  
Russell, David**CARROLL**Bradley, Jeb  
Kenney, Joseph  
Philbrick, DonaldChandler, Gene  
Lyman, L Randy  
Sullivan, P JudithDickinson, Howard  
Mock, Henry  
Torresen, GaryHoward, Godfrey  
Patten, Betsey**CHESHIRE**Avery, Stephen  
Rose, WilliamHunt, John  
Royce, H CharlesManning, Joseph  
Smith, Edwin

Roberts, William

**COOS**Davis, Perley  
Merrill, GeraldGallus, John  
Pratt, LeightonGuay, Lawrence  
Tholl, John Jr

Horton, Lynn

**GRAFTON**Akins, Ralph  
Dudley, Terri  
Hinman, Harry  
Picconi, AlAlger, John  
Eaton, Stephanie  
MacNeil, Allen  
Ward, BrianBrothers, Richard  
Gilman, G Michael  
Marshall, GeneCobb, John  
Ham, Bonnie  
Phinney, William**HILLSBOROUGH**Alukonis, David  
Beaupre, Roland  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dawe, Eileen  
Durham, Susan  
Fletcher, Richard  
Gagnon, Eugene  
Jean, Loren  
Lefebvre, RolandAndrews, Frederick  
Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Flora, Kathleen  
Goulet, Maurice  
Kurk, Neal  
Leishman, PeterArnold, Thomas Jr  
Bergin, Peter  
Chabot, Robert  
Dalianis, Griffin  
Desrosiers, William  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
L'Heureux, Robert  
Lessard, RudyBatula, Peter  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Dokmo, Cynthia  
Fields, Dennis  
Franks, Suzan  
Hunter, Bruce  
LaRose, Richard  
Lozeau, Donnalee



Martel, Andre  
Messier, Irene  
O'Connell, Timothy  
Pepino, Leo  
Tate, Joan  
Withee, Dennis

McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Thulander, O Alan

McGough, Tim  
Moran, Edward  
Ouellette, Dean  
Reeves, Sandra  
Vaillancourt, Steve

Mercer, Robert  
Mosher, William  
Pappas, Marc  
Sargent, Maxwell  
Wall, Nancy

### MERRIMACK

Anderson, Eric  
Hager, Elizabeth  
Kennedy, Richard  
Leber, William  
Nichols, Avis  
Whittemore, James

Brewster, Richard  
Hess, David  
Langer, Ray  
Lockwood, Priscilla  
Poulin, Dave

Davis, Francis  
Hoadley, Elizabeth  
Larrabee, David Sr  
Marple, Richard  
Soltani, Tony

Feuerstein, Martin  
Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth  
Whalley, Michael

### ROCKINGHAM

Arndt, Janet  
Case, Margaret  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John Sr  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Raynowska, Bernard  
Sapareto, Frank  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Christie, Andrew Jr  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Johnson, Robert  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Priestley, Anne  
Reardon, Neil  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

Bishop, Franklin  
Cox, Russell  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Langone, John  
Mikowski, Walter  
Noyes, Richard  
Putnam, Ed II  
Ruffner, Walter  
Stone, Joseph  
Vaughn, Charles

Bridle, Russell  
Dalrymple, Janeen  
Downing, Michael  
Flanders, David  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Sabella, Norma  
Stritch, C Donald  
Weare, Everett

### STRAFFORD

Bickford, David  
McKinley, Robert  
Woods, Phyllis

Cossette, Larry  
Musler, George

Dunlap, Patricia  
Torr, Franklin

Gilmore, Gary  
Tsiros, William

### SULLIVAN

Flint, Gordon Jr

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 153

### BELKNAP

Salatiello, Thomas

Wood, Jane

### CARROLL

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara

Blaisdell, Michael  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene  
Russell, Ronald

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

### COOS

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Harmon, Hobart  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary  
Weber, Phil

Guest, Robert  
Mirski, Paul

Hall, David  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bruno, Pierre	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daigle, Robert
Drabinowicz, A Theresa	Dwyer, Paul Sr	Fenton, James	Foster, Linda
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Leonard, Peter	Lynde, Harold	MacGillivray, Jeffrey
McColgan, Philip Jr	McDonald, James Sr	Melcher, Harold	Mendenhall, Leslie
Moriarty, Mary	Murphy, Robert	Reidy, Frank	Sarette, John
Simon, Anthony	Turgeon, Roland	White, Donald	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Chase, George	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Clark, Vivian
Corbin, C David	Gibbons, Paul	Hamel, Albert	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Kelley, William	Moore, Benjamin
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Rubin, George
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Weatherspoon, Jackie	Weyler, Kenneth	Zolla, William	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Phinizz, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the motion was adopted.

The pending question is Ought to Pass with Amendment.

Reps. Hoadley and Ward offered a floor amendment.

**Floor Amendment (4052h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, it is necessary to monitor, evaluate, and publicly report the progress of pupils, schools, and districts. School improvement and accountability is best addressed at the local school district level with broad community participation in the development, implementation, and evaluation of locally developed education improvement and assessment plans. The state may provide support for accountability by implementing a process for identifying school districts that may not be meeting established quality standards and may be in need of assistance. The annual report card on the condition of education statewide and the resulting recommendations will provide the information necessary for identify-

ing any specific problems that may exist and the remedies that may be desirable. It is the intent of the legislature during the 2003 session to revisit the issue of accountability in education by reviewing the progress and results of the policies implemented under RSA 193-E and to determine, by June 30, 2003, whether appropriate further remedies are needed to assist local school districts in meeting the quality standards and to further determine what those remedies might be.

2 New Subdivision; School District Comprehensive Improvement and Assessment Program. Amend RSA 193-E by inserting after section 3 the following new subdivision:

School District Comprehensive Improvement and Assessment Program

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

III. "Plan" means the comprehensive improvement and assessment plan as defined in RSA 193-E:5.

IV. "State board" means the state board of education.

193-E:5 School District Quality Standards; Comprehensive Improvement and Assessment Plan. In order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, each school district shall implement the following quality standards:

I. By July 1, 2001, each district shall file its current plan with the department. Each school district shall prepare and implement its plan in accordance with a staggered schedule established by the department such that all plans shall be filed no later than June 1, 2007. Each plan shall be developed through a process involving parents, teachers, employers, and other community members. The department shall comment to the district on the plan in a timely fashion. Every 5 years following the filing of the initial plan, each school district shall file an updated plan developed through the process outlined in this paragraph. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C:3, in preparing the plan. At a minimum, the plan shall include:

(a) Curriculum and proficiency standards for all pupils.

(b) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.

(c) Procedures for aligning curriculum, instructional practices, and pupil and programmatic assessments, including annual reporting of results.

(d) Local assessment measures which focus on individual pupil performance.

(e) Role of support services and programs.

(f) Role of instructional leadership.

(g) Strategies to promote family and community involvement.

(h) Staff supervision and evaluation and performance-based professional development.

(i) Procedures for ongoing review and evaluation of the plan.

(j) Pupil behavior and conduct codes.

(k) Procedures detailing how the school district budget reflects the goals of the plan.

(l) Provisions for addressing individual school needs.

II. By September 1, 2002, and annually thereafter, each school district shall report to the department its data for the previous school year on its school and district performance and demographic indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board.

(a) Performance and demographic indicators shall include the following areas:

(1) Attendance, tardiness, truancy, transfer, and drop-out rates.

(2) Length of school day and length of instructional time.

(3) School environment indicators, such as safe-schools data.

(4) Proportion of graduating pupils going on to post-secondary education, military service, and the workplace.

(5) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.

(6) Extent to which pupils meet behavior conduct codes.

(7) Extent to which teachers are certified in all areas in which they teach.

(8) Extent to which teachers and staff engage in performance-based professional development to promote pupil learning.

(9) Frequency and resulting actions of staff supervision and evaluations.

(10) Extent to which district schools implement components of effective family/community involvement standards including communicating, parenting, pupil learning, volunteering, school decision-making and advocacy, and collaborating with the community.

(11) Frequency and resulting actions of supervision and evaluations of instructional and administrative leaders.

(12) Teacher and administrator turnover rates reported by area of certification and by elementary, middle, junior high, and high school levels.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each elementary, middle, junior high, and high school in the school district shall meet the standards for school approval adopted by the state board.

IV. Beginning December 1, 2003, and annually thereafter, the commissioner, in accordance with rules adopted by the state board pursuant to RSA 541-A, shall determine whether each school district is meeting the quality standards established in paragraphs I–III of this section. The commissioner, annually, shall provide a report of such determinations to the governor and council, the speaker of the house, the senate president, the chairpersons of the house and senate education committees, the state board, and the attorney general.

V. No later than December 1, 2002, and annually thereafter, the department shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and pupil performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, and data provided under paragraph II of this section, as well as other relevant statistics including English as a second language pupils, special education pupils, and pupils eligible for free or reduced-price meals. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 90 days of the issuance of the annual report on the condition of education as required in paragraph II of this section, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. If requested by a school district, a representative from the department of education or the state board of education shall make every reasonable effort to be in attendance at the public meeting to present the report to the public. Additionally, the department of education shall determine a priority list for districts that may have significant areas of concern based on the annual report on the condition of education and shall exercise every reasonable effort to attend the public meetings in those identified school districts within the 90 days on a priority basis. At least 7 days advance public notice shall be given. A written report of the public input and recommendations made at this meeting shall be made and retained by the school district governing body for future use. Within 60 days of the meeting, each school board shall issue a written response to the annual report at a regularly noticed and scheduled meeting and make any recommendations the board deems appropriate.

VII. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board and the governor. Such school districts, schools, or teachers shall be eligible to receive funds from any school improvement funds administered by the department. Such funds shall be used to disseminate best practices throughout the state.

#### 193-E:6 Request for Assistance.

I. A school district, in response to the annual report on the condition of education, may request from the department school improvement assistance on behalf of the district as a whole or on behalf of one or more schools in the district. Within 30 days of such request, the commissioner may, based on the availability of resources, provide appropriate assistance to the district. The com-



missioner shall prioritize any assistance based on the determinations made in the annual report on the condition of education. The commissioner shall work with local school board and school district officials in determining the assistance specific to the district's needs.

II. If any assistance provided by the department of education includes the use of a technical assistance advisor, the commissioner shall appoint a technical assistance advisor who shall be authorized to access any school improvement funds administered by the department of education, subject to rules adopted by the state board.

193-E:7 Request for Assistance by School District Legislative Body. If a school district has not submitted a request for assistance by the time of the annual school district meeting in a town, or by April 30 in a city, then the majority of the appropriate legislative body of the school district may vote to direct the governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with RSA 193-E:6.

193-E:8 School Improvement Funds. The department and the local school districts shall collaborate in an initiative to apply for grant money from any source that may be available to address school improvement issues. This collaborative effort should target funds which will be used to remedy specific areas at the local school district level identified as in need of improvement in the annual report on the condition of education.

193-E:9 Rulemaking. The state board shall, pursuant to RSA 541-A:

I. No later than July 1, 2001, adopt rules relative to data keeping, the form of the school district report required under RSA 193-E:5, II, the annual report on the condition of education statewide required under RSA 193-E:5, V, the scheduling of the local public meetings for the presentation of the annual reports under RSA 193-E:5, VI, and the access to any school improvement funds administered by the department of education under RSA 193-E:5 and 193-E:6. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

II. No later than July 1, 2002, adopt rules relative to the criteria and procedures for determining compliance with quality standards. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

193-E:10 Audit; Report. Beginning July 1, 2002, and every 2 years thereafter until July 1, 2006, the provisions of this subdivision, and all rules and procedures adopted by the department pursuant to the authority granted in this subdivision, shall be the subject of a performance audit, pursuant to RSA 14:31-a, IV, prepared by the audit division of the office of legislative budget assistant. After the July 1, 2006 audit, the joint legislative performance and audit committee established under RSA 17-N:1 shall determine and approve the scope and timing of any further audits of this program. A report of such audits shall be submitted to the speaker of the house, president of the senate, and the governor no later than December 1 of the year in which the audit is performed.

3 New Paragraph; Statewide Improvement and Assessment Plan; Review Required. Amend RSA 193-C by inserting after paragraph IV the following new paragraph:

V. By June 30, 2002, and every 5 years thereafter, the state board shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department will help schools and school districts improve pupil achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

4 Statewide Improvement and Assessment Program; Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:

193-C:8 Duties of the Legislative Oversight Committee; Report. ***The oversight committee shall:***

I. [The oversight committee shall review] ***Review*** the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

*II. Review all of the provisions of RSA 193-C and 193-E, relative to an adequate public education and school district accountability, and file a report of such review to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees every 2 years.*

*III. Prepare any legislation that is needed as a result of the review of the progress and results of the policies implemented under RSA 193-E by the legislature during the 2003 legislative session.*

5 New Paragraph; State Board of Education; Duties of the State Board; Review of School Approval Standards Inserted. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:

XXXVI. REVIEW OF SCHOOL APPROVAL STANDARDS. No later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update as necessary school approval standards based on input from parents, employers, educators, and other citizens. No later than 60 days from the date of each review, the state board of education shall submit a report of its findings, including recommendations for proposed legislation, to the chairpersons of the house and senate education committees. At the discretion of the committee chairpersons, a public hearing on the report may be scheduled.

6 Department of Education; Biennial Budget. The department of education shall include in its budget for the biennium ending June 30, 2003, the costs necessary to provide assistance to the school districts under RSA 193-E.

7 Review of School Accountability. During the 2003 legislative session, the legislature shall revisit the issue of accountability in education by reviewing the progress and results of the policies implemented under RSA 193-E. By June 30, 2003, the legislature shall determine whether appropriate further remedies are needed to assist local school districts in meeting the quality standards and shall further determine what those remedies might be. The legislature shall base its evaluation and determination of necessary further action on the results of the monitoring, evaluating, and reporting procedures established in 193-E and reports by the department of education on the assistance that may have been provided to the school districts and the results thereof.

8 Repeal. RSA 194:23-d, relative to state financial aid to public elementary or high schools, is repealed.

9 Prospective Repeal. RSA 193-E:3, relative to the delivery of an adequate education, is repealed.

10 Effective Date.

I. Section 9 of this act shall take effect December 1, 2002.

II. The remainder of this act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill:

I. Requires each school district to prepare and implement quality standards and a local education improvement and assessment plan.

II. Establishes procedures for the department of education to identify local school districts which are in need of assistance.

III. Requires the department of education and local school districts to collaborate to secure grant money from any source available to address school improvement issues.

IV. Requires the legislature to revisit the issue of school accountability in the 2003 legislative session.

Reps. Hoadley, Weyler, Hess and O'Hearn spoke in favor.

Rep. Estabrook spoke against and yielded to questions.

Rep. Jacobson spoke against.

Rep. Ward spoke in favor and yielded to questions.

Rep. Keith Herman requested a roll call; sufficiently seconded.

The question being the adoption of the Hoadley/Ward floor amendment.

**YEAS 219 NAYS 138**

**YEAS 219****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Gagnon, Eugene	Goulet, Maurice	Herman, Keith
Hunter, Bruce	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen	McCarty, Winston
McDonald, James Sr	McGough, Tim	McRae, Karen	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Vaillancourt, Steve	Wall, Nancy	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Poulin, Dave	Soltani, Tony	Whalley, Michael	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard

Cox, Russell  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Morse, Charles  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Stone, Joseph  
Weare, Everett  
Zolla, William

Dalrymple, Janeen  
Dunham, Vivian  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
McKinney, Betsy  
Nowe, Mary Lou  
Packard, Sherman  
Raynowska, Bernard  
Sabella, Norma  
Stritch, C Donald  
Welch, David

Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Langone, John  
Mikowski, Walter  
Nowe, Ronald  
Priestley, Anne  
Reardon, Neil  
Sapareto, Frank  
Tufts, J Arthur  
Weyler, Kenneth

DiFruscia, Anthony  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Kelley, William  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Putnam, Ed II  
Rubin, George  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

### STRAFFORD

Bickford, David  
McKinley, Robert  
Woods, Phyllis

Cossette, Larry  
Musler, George

Dunlap, Patricia  
Torr, Franklin

Kaen, Naida  
Tsiros, William

### SULLIVAN

Flint, Gordon Sr

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 138

### BELKNAP

Pilliod, James

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Robertson, Timothy

Blaisdell, Michael  
Lynch, Margaret  
Mitchell, McKim  
Russell, Ronald

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene  
Zerba, Roger

Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara

### COOS

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
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Johnson, Gary

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Ahern, Richard  
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Leonard, Peter  
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Burkush, James  
Daigle, Robert  
Franks, Suzan  
Gorman, Mary  
Jean, Claudette  
LaPorte, George  
Lynde, Harold  
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### ROCKINGHAM

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Kane, Cecelia  
Pitts, Jacqueline  
Splaine, James

Clark, Martha  
Kelley, Jane  
Schanda, Frank  
Vaughn, Charles

Downing, Michael  
Norelli, Terie  
Shelton, Richard  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brown, George  
Domingo, Baldwin  
Johnson, Nancy  
Lundborn, Raymond  
Smith, Marjorie  
Twardus, Joseph

Brown, Julie  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

### SULLIVAN

Allison, David  
Phinizy, James

Burling, Peter  
Robb-Theroux, Amy

Cloutier, John  
Tuthill, John

Donovan, Thomas Jr  
Wiggins, Celestine

and the Hoadley/Ward floor amendment was adopted.

Rep. Estabrook offered a floor amendment.

### Floor Amendment (4060h)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that in order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, it is necessary to monitor, evaluate, and publicly report the progress of pupils, schools, and districts.

2 New Subdivision; School District Comprehensive Improvement and Assessment Program. Amend RSA 193-E by inserting after section 3 the following new subdivision: School District Comprehensive Improvement and Assessment Program

193-E:4 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of education.

II. "Department" means the department of education.

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IV. "State board" means the state board of education.

193-E:5 School District Quality Standards; Comprehensive Improvement and Assessment Plan. In order to implement New Hampshire's policy of providing all pupils with the opportunity to acquire an adequate education, each school district shall implement the following quality standards:

1. By July 1, 2001, each district shall file its current plan with the department. Each school district shall prepare and implement its plan in accordance with a staggered schedule established by the department such that all plans shall be filed no later than June 1, 2007. Each plan shall be developed through a process involving parents, teachers, employers, and other community members. The department shall comment to the district on the plan in a timely fashion. Every 5 years following the filing of the initial plan, each school district shall file an updated plan developed through the process outlined in this paragraph. Districts may reference the statewide education improvement and assessment plan established in RSA 193-C:3, in preparing the plan. At a minimum, the plan shall include:

(a) Curriculum and proficiency standards for all pupils.

(b) School and district performance goals based on reported data on educational indicators listed in paragraph II of this section.

(c) Procedures for aligning curriculum, instructional practices, and pupil and programmatic assessments, including annual reporting of results.

- (d) Local assessment measures which focus on individual pupil performance.
- (e) Role of support services and programs.
- (f) Role of instructional leadership.
- (g) Strategies to promote family and community involvement.
- (h) Staff supervision and evaluation and performance-based professional development.
- (i) Procedures for ongoing review and evaluation of the plan.
- (j) Pupil behavior and conduct codes.
- (k) Procedures to ensure that the school district budget reflects the goals of the plan.
- (l) Provisions for addressing individual school needs.

II. By September 1, 2002, and annually thereafter, each school district shall report to the department its data for the previous school year on its school and district performance and demographic indicators. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board.

(a) Performance and demographic indicators shall include the following areas:

- (1) Attendance, tardiness, truancy, transfer, and drop-out rates.
- (2) Length of school day and length of instructional time.
- (3) School environment indicators, such as safe-schools data.
- (4) Proportion of graduating pupils going on to post-secondary education, military service, and the workplace.
- (5) Performance on state tests administered pursuant to RSA 193-C and other standardized tests administered at local option.
- (6) Extent to which pupils meet or exceed behavior conduct codes.
- (7) Extent to which teachers are certified in all areas in which they teach.
- (8) Extent to which teachers engage in performance-based professional development to promote pupil learning.
- (9) Frequency of and resulting actions from staff supervision and evaluations.
- (10) Extent to which district schools implement components of effective family/community involvement standards including communicating, parenting, pupil learning, volunteering, school decision-making and advocacy, and collaborating with the community.
- (11) Frequency of and resulting actions from supervision and evaluations of instructional and administrative leaders.
- (12) Teacher and administrator turnover rates reported by area of certification and by elementary, middle, junior high, and high school levels.

(b) In addition, local districts shall report on locally developed performance indicators and assessment measures.

III. Each elementary, middle, junior high, and/or high school in the school district shall meet the standards for school approval adopted by the state board.

IV. Beginning December 1, 2003, and annually thereafter, the commissioner, in accordance with rules adopted by the state board pursuant to RSA 541-A, shall determine whether each school district is meeting the quality standards established in paragraphs I-III of this section. A school district that does not meet these quality standards shall be designated by the commissioner as a district in need of assistance. The commissioner, annually, shall provide a report of such determinations to the governor and council, the speaker of the house, the senate president, the chairpersons of the house and senate education committees, the state board, and the attorney general.

V. No later than December 1, 2002, and annually thereafter, the department shall issue a report on the condition of education statewide and on a district-by-district and school-by-school basis. This report shall include demographic and pupil performance data including, but not limited to, school and district performance on state tests administered pursuant to RSA 193-C, other standardized tests administered at local option by at least 25 percent of school districts, and data provided under paragraph II of this section, as well as other relevant statistics including English as a second language pupils, special education pupils, and pupils eligible for free or reduced-price meals. Comparisons with state averages and with the condition of each district and school in comparison with previous years shall be provided, including, but not limited to, statewide rankings of each district and school on the state tests administered pursuant to RSA 193-C and on other standardized tests administered at local option by at least 25 percent of school districts. The report shall be organized and presented in a manner that is easily understood by the public and that assists each school district with the identification of trends, strengths, and weaknesses and the development of its local education improvement and assessment plan.

VI. Within 45 days of the issuance of the annual report on the condition of education as required in paragraph II of this section, each school district shall provide an opportunity for public discussion of the report at a meeting of the governing body called for the exclusive purpose of reviewing the report. At least 7 days advance public notice shall be given.

VII. A school district that meets or exceeds the quality standards set forth in paragraphs I-III of this section shall receive formal recognition from the state board and the governor. Any school district, school, or teacher that demonstrates a best practice worthy of recognition shall also receive formal recognition from the state board and the governor. Such school districts, schools, or teachers shall be eligible to receive funds from a special projects and district improvement fund administered by the department. Such funds shall be used to disseminate best practices throughout the state.

193-E:6 Request for Assistance. A school district, in response to the annual report on the condition of education, may request from the department the assistance available under this subdivision on behalf of the district as a whole or on behalf of one or more schools in the district. Within 30 days of such request, the commissioner may, based on the availability of resources, provide appropriate assistance to the district. The commissioner shall work with local school board and school district officials in determining the assistance specific to the district's needs.

193-E:7 School District in Need of Assistance. If a school district has been designated as a district in need of assistance, then that school district shall receive assistance from the department as follows:

I. A school district shall have one year from the date of the designation as a district in need of assistance pursuant to RSA 193-E:5, IV to prepare a corrective action plan for approval by the state board. The school district may decide to implement its corrective action plan on its own, through the use of a technical assistance advisor, or a peer review team as provided in this section. Any such decision shall be included in the corrective action plan. A district's corrective action plan shall first examine and access the district's professional development resources and available state initiatives. After accessing district resources and available state initiatives, the district shall have access, with the consent of the commissioner, to the special projects and improvement fund, if necessary, in order to participate in workshops, conferences, seminars, courses, and other similar academic and professional development opportunities which may be available and which shall be related to the specific educational goals of a district as outlined in the plan.

II. If a school district has not developed and implemented an approved corrective action plan within one year of that designation, then on December 1 of the year following the designation, if that school district continues to be designated as a district in need of assistance, the commissioner may provide technical assistance to review the educational programming and effectiveness of the school district. In cooperation with local officials, the technical assistance advisor shall prepare and present a report at the beginning of a regularly scheduled public meeting of the local school board and to the state board. This report shall be issued within 4 months of the advisor's appointment. Based on this report, the local school board and superintendent shall, within 6 months of the issuance of the report, prepare a corrective action plan and submit it to the state board for approval. If the state board does not approve a corrective action plan, then the commissioner, in cooperation with the superintendent and the local school board, shall work with the school district to revise its corrective action plan. If the school district fails to revise its corrective action plan or the state board does not approve the revised corrective action plan, then the commissioner, in cooperation with the superintendent and the local school board, shall develop a corrective action plan, including methods for implementation. The commissioner shall, to the greatest extent possible, solicit advice and comment from the local community regarding the revised corrective action plan, at a special meeting called for the purpose, and submit the plan to the state board for approval without further action of the school district.

III. Any approved corrective action plan that includes the use of a technical assistance advisor, then the commissioner shall appoint a technical assistance advisor who shall be authorized to access the state special projects and district improvement fund, subject to rules adopted by the state board, to provide assistance to the local school district staff in the implementation of the corrective action plan.

IV. Any approved corrective action plan that includes the use of a peer review team, then the commissioner shall name a peer review team consisting of an appointee of the local school district,



an appointee of the state board, and a third member chosen by the local and state appointees to advise the school district's superintendent and the local school board relative to the implementation of the corrective action plan until the goals of the corrective action plan are met.

V. If a school district that has been designated a district in need of assistance pursuant to RSA 193-E:5, IV has not submitted a request for assistance by the time of the annual school district meeting in a town, or by April 30 in a city, then the legislative body of the school district may vote to direct the governing body to submit a request for assistance pursuant to this section. If a majority of the legislative body votes in favor of requesting assistance, then that assistance shall be requested and provided in accordance with this subdivision.

193-E:8 Appeals. A school district that has been designated as a district in need of assistance may file an appeal in writing with the state board no later than 30 days from the date of the designation. The scope of the appeal shall be limited to the basis for the school district's designation as a district in need of assistance. The state board shall expedite all school district appeals on this matter by scheduling a hearing and rendering a written decision no later than 30 days from the date on which the school district's request for appeal was received.

193-E:9 Special Projects and District Improvement Fund. A special projects and district improvement fund is hereby established in the department of education. Moneys in this fund shall be continually appropriated to the department. The department shall use moneys appropriated for this fund to provide grants pursuant to RSA 193-E:7. The department shall also use moneys appropriated for this fund to support the implementation of approved corrective action plans. The technical assistance advisor assigned to work in these school districts shall be authorized to access this fund in accordance with rules adopted by the state board.

193-E:10 Rulemaking. The state board shall, pursuant to RSA 541-A:

I. No later than July 1, 2001, adopt rules relative to data keeping and the form of the school district report required under RSA 193-E:5, II.

II. No later than June 30, 2003, adopt rules relative to the approval of corrective action plans as required in RSA 193-E:7. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

III. No later than July 1, 2003, adopt rules relative to procedures for access to and disbursement from the special projects and district improvement fund established pursuant to RSA 193-E:9.

IV. No later than July 1, 2002, adopt rules relative to the criteria and procedures for determining compliance with quality standards. In developing these rules, the state board shall solicit advice and information from educators at all levels, including those within the university system, business people, government officials, legislators and legislative committees, community representatives, parents, and members of the public.

193-E:11 Audit; Report. Beginning July 1, 2002, and every 2 years thereafter until July 1, 2006, the provisions of this subdivision, and all rules and procedures adopted by the department pursuant to the authority granted in this subdivision, shall be the subject of a performance audit, pursuant to RSA 14:31-a, IV, prepared by the audit division of the office of legislative budget assistant. After the July 1, 2006 audit, the joint legislative performance and audit committee established under RSA 17-N:1 shall determine and approve the scope and timing of any further audits of this program. A report of such audits shall be submitted to the speaker of the house, president of the senate, and the governor no later than December 1 of the year in which the audit is performed.

3 New Paragraph; Statewide Improvement and Assessment Plan; Review Required. Amend RSA 193-C by inserting after paragraph IV the following new paragraph:

V. By June 30, 2002, and every 5 years thereafter, the state board shall review and update the statewide education improvement plan developed in accordance with RSA 193-C that describes how the department will help schools and school districts improve pupil achievement, through a process that provides opportunities for public input from parents, employers, educators, and other citizens. The plan shall include goals and strategies for the delivery of technical assistance and professional development, the sharing of best practices, the modification or expansion of existing programs, and the establishment of new programs.

4 Statewide Improvement and Assessment Program; Legislative Oversight Committee; Duties Amended. Amend RSA 193-C:8 to read as follows:



193-C:8 Duties of the Legislative Oversight Committee; Report.

I. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy. Implementation of the program shall be in conjunction with the committee's review.

II. To review the provisions of RSA 193-E, relative to an adequate public education and school district accountability, and file a report of such review to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees every 2 years.

5 New Paragraph; State Board of Education; Duties of the State Board; Review of School Approval Standards Inserted. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:

XXXVI. REVIEW OF SCHOOL APPROVAL STANDARDS. No later than June 30, 2003, and every 5 years thereafter, the state board of education shall review and update as necessary school approval standards based on input from parents, employers, educators, and other citizens. No later than 60 days from the date of each review, the state board of education shall submit a report of its findings, including recommendations for proposed legislation, to the chairpersons of the house and senate education committees. At the discretion of the committee chairpersons, a public hearing on the report may be scheduled.

6 Repeal. RSA 194:23-d, relative to state financial aid to public elementary or high schools, is repealed.

7 Prospective Repeal. RSA 193-E:3, relative to the delivery of an adequate education, is repealed.

8 Effective Date.

I. RSA 193-E:9 as inserted by section 2 of this bill shall take effect July 1, 2003.

II. Section 7 of this act shall take effect December 1, 2002.

III. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill:

I. Requires each school district to prepare and implement quality standards and a local education improvement and assessment plan.

II. Establishes procedures for the department of education to identify local school districts which are in need of assistance.

III. Establishes procedures for the department of education to assist in improving the overall quality of educational programs and services offered by such districts.

IV. Establishes a special projects and district improvement fund within the department of education.

Rep. Estabrook spoke in favor.

Rep. Yeaton spoke in favor and yielded to questions.

Reps. Henderson and O'Hearn spoke against and yielded to questions.

Rep. O'Hearn requested a roll call; sufficiently seconded.

The question being the adoption of the Estabrook floor amendment.

**YEAS 142 NAYS 217**

**YEAS 142**

**BELKNAP**

Pilliod, James

Salatiello, Thomas

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Batchelder, Robert

Blaisdell, Michael

Burnham, Daniel

Doucette, Richard

Lerandeau, Alfred

Lynch, Margaret

Lynott, Margaret

McGuirk, Paul

Meador, David

Mitchell, McKim

Pratt, Irene

Richardson, Barbara

Robertson, Timothy

Russell, Ronald

Zerba, Roger

**COOS**

Landers, Dana

Rodrigue, Robert

**GRAFTON**Almy, Susan  
Nordgren, SharonCopenhaver, Marion  
Solow, Martha

Guest, Robert

Johnson, Gary

**HILLSBOROUGH**Ahern, Richard  
Bergin, Peter  
Cote, David  
Drabinowicz, A Theresa  
Ginsburg, Ruth  
Hall, Betty  
Keye, Harvey  
Lefebvre, Roland  
Martin, Mary Ellen  
Moriarty, Mary  
Simon, AnthonyArthur, Rose  
Buckley, Raymond  
Cote, Peter  
Dwyer, Paul Sr  
Goley, Jeffrey  
Herman, Richard  
Konys, Christine  
Leishman, Peter  
McColgan, Philip Jr  
Murphy, Robert  
Turgeon, RolandBaroody, Benjamin  
Burkush, James  
Daigle, Robert  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
LaPorte, George  
Leonard, Peter  
Melcher, Harold  
Reidy, Frank  
White, JohnBergeron, Lucien  
Clemons, Jane  
Dokmo, Cynthia  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lasky, Bette  
Lynde, Harold  
Mendenhall, Leslie  
Sarette, John  
Williams, Carol**MERRIMACK**Bouchard, Candace  
Fortnam, Janet  
Jacobson, Alf  
Reardon, Tara  
St Cyr, Gerard  
Yeaton, CharlesChase, George  
Fraser, Marilyn  
Moore, Carol  
Rodd, Beth  
Virtue, CarolynCrosby, Toni  
French, Barbara  
Owen, Derek  
Rosenfield, Jay  
Wallin, JeanDaneault, Gabriel  
Gile, Mary  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane**ROCKINGHAM**Abbott, Dennis  
Gibbons, Paul  
Norelli, Terie  
Schanda, Frank  
Vaughn, CharlesBlanchard, MaryAnn  
Hutchinson, Rebecca  
Pantelakos, Laura  
Shelton, Richard  
Weatherspoon, JackieClark, Martha  
Kane, Cecelia  
Pitts, Jacqueline  
Shultis, ElizabethDowning, Michael  
Kelley, Jane  
Sapareto, Frank  
Splaine, James**STRAFFORD**Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Knowles, William  
Rollo, Michael  
Taylor, Kathleen  
Wall, JanetBrennan, William  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Smith, Marjorie  
Twardus, JosephBrown, George  
Domingo, Baldwin  
Johnson, Nancy  
Lundborn, Raymond  
Snyder, Clair  
Vachon, DennisBrown, Julie  
Estabrook, Iris  
Keans, Sandra  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis**SULLIVAN**Allison, David  
Phinizy, JamesBurling, Peter  
Robb-Theroux, AmyCloutier, John  
Tuthill, JohnDonovan, Thomas Jr  
Wiggins, Celestine**NAYS 217****BELKNAP**Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, RobertBoriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, FrancineBoyce, Robert  
Lawton, David  
Russell, DavidCzech, Stanley  
Millham, Alida  
Thomas, John**CARROLL**Babson, David Jr  
Howard, Godfrey  
Patten, BetseyBradley, Jeb  
Kenney, Joseph  
Philbrick, DonaldChandler, Gene  
Lyman, L Randy  
Sullivan, P JudithDickinson, Howard  
Mock, Henry  
Torresen, Gary

**CHESHIRE**

Avery, Stephen	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Toll, John Jr	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Phinney, William	Picconi, Al
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Franks, Suzan
Gagnon, Eugene	Goulet, Maurice	Herman, Keith	Hunter, Bruce
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McDonald, James Sr	McGough, Tim	McRae, Karen
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy	White, Donald
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Brewster, Richard	Davis, Francis	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Poulin, Dave	Soltani, Tony	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Sabella, Norma	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Bickford, David  
McKinley, Robert  
Tsiros, William

Cossette, Larry  
Musler, George  
Woods, Phyllis

Dunlap, Patricia  
Pelletier, Arthur

Kaen, Naida  
Torr, Franklin

**SULLIVAN**

Flint, Gordon Sr

Jones, Constance

Kibbey, David

Leone, Richard

and the Estabrook floor amendment failed.

The question now being the adoption of the Committee report.

Rep. Arthur Pelletier spoke against.

Rep. O'Hearn spoke in favor.

Rep. O'Hearn requested a roll call; sufficiently seconded.

**YEAS 216 NAYS 143****YEAS 216****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boriso, Thomas  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

Holbrook, Robert  
Pilliod, James  
Turner, Robert

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

**CHESHIRE**

Avery, Stephen  
Roberts, William  
Zerba, Roger

Blaisdell, Michael  
Rose, William

Hunt, John  
Royce, H Charles

Manning, Joseph  
Smith, Edwin

**COOS**

Davis, Perley  
Merrill, Gerald

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Harmon, Hobart  
Picconi, Al

Alger, John  
Eaton, Stephanie  
Hinman, Harry  
Ward, Brien

Brothers, Richard  
Gilman, G Michael  
MacNeil, Allen

Cobb, John  
Ham, Bonnie  
Marshall, Gene

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Hunter, Bruce  
LaRose, Richard  
Martel, Andre  
Melcher, Harold  
Moran, Edward

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Goulet, Maurice  
Jean, Loren  
Leishman, Peter  
McCarty, Winston  
Mercer, Robert  
Mosher, William

Arnold, Thomas Jr  
Bergin, Peter  
Chabot, Robert  
Dalianis, Griffin  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Hall, Betty  
Kurk, Neal  
Lessard, Rudy  
McGough, Tim  
Messier, Irene  
Murphy, Robert

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Daniels, Gary  
Dokmo, Cynthia  
Fenton, James  
Ford, Nancy  
Herman, Keith  
L'Heureux, Robert  
Lozeau, Donnalee  
McRae, Karen  
Milligan, Robert  
Nolan-Piteri, Dawn



O'Connell, Timothy  
 Pepino, Leo  
 Sargent, Maxwell  
 Wall, Nancy

O'Hearn, Jane  
 Peterson, Andrew  
 Simon, Anthony  
 White, Donald

Ouellette, Dean  
 Reeves, Sandra  
 Tate, Joan  
 Withee, Dennis

Pappas, Marc  
 Rowe, Robert  
 Thulander, O Alan

### MERRIMACK

Anderson, Eric  
 Feuerstein, Martin  
 Langer, Ray  
 Lockwood, Priscilla  
 Poulin, Dave

Brewster, Richard  
 Hager, Elizabeth  
 Larrabee, David Sr  
 Marple, Richard  
 Soltani, Tony

Chase, George  
 Hess, David  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Whalley, Michael

Davis, Francis  
 Hoadley, Elizabeth  
 Leber, William  
 Nichols, Avis  
 Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
 Bridle, Russell  
 Cox, Russell  
 Dowling, Patricia  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Kelley, William  
 Letourneau, Robert  
 Moore, Benjamin  
 Noyes, Richard  
 Quandt, Marshall  
 Sabella, Norma  
 Stritch, C Donald  
 Welch, David

Arndt, Janet  
 Case, Margaret  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, David  
 Gleason, John  
 Johnson, Robert  
 Kobel, Rudolph  
 Major, Norman  
 Morse, Charles  
 O'Neil, Michael  
 Raynowska, Bernard  
 Sapareto, Frank  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Christie, Andrew Jr  
 Dearborn, Bruce  
 Dunham, Vivian  
 Flanders, John Sr  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 McKinney, Betsy  
 Nowe, Mary Lou  
 Packard, Sherman  
 Reardon, Neil  
 Stickney, Nancy  
 Varrell, Thomas  
 Whittier, John

Bishop, Franklin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Langone, John  
 Mikowski, Walter  
 Nowe, Ronald  
 Priestley, Anne  
 Ruffner, Walter  
 Stone, Joseph  
 Weare, Everett

### STRAFFORD

Bickford, David  
 McKinley, Robert  
 Wall, Janet

Cossette, Larry  
 Musler, George  
 Woods, Phyllis

Dunlap, Patricia  
 Torr, Franklin

Kaen, Naida  
 Tsiros, William

### SULLIVAN

Flint, Gordon Sr  
 Robb-Theroux, Amy

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 143

### BELKNAP

Boyce, Robert

Rice, Thomas

Salatiello, Thomas

Wood, Jane

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
 Lynch, Margaret  
 Mitchell, McKim  
 Russell, Ronald

Burnham, Daniel  
 Lynott, Margaret  
 Pratt, Irene

Doucette, Richard  
 McGuirk, Paul  
 Richardson, Barbara

Lerandeau, Alfred  
 Meader, David  
 Robertson, Timothy

### COOS

Landers, Dana

Rodrigue, Robert

### GRAFTON

Almy, Susan  
 Johnson, Gary  
 Solow, Martha

Copenhaver, Marion  
 Mirski, Paul  
 Weber, Phil

Guest, Robert  
 Nordgren, Sharon

Hall, David  
 Phinney, William

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bruno, Pierre	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Daigle, Robert	Drabinowicz, A Theresa
Dwyer, Paul Sr	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Kony, Christine	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Leonard, Peter	Lynde, Harold	MacGillivray, Jeffrey	Martin, Mary Ellen
McColgan, Philip Jr	McDonald, James Sr	Mendenhall, Leslie	Moriarty, Mary
Reidy, Frank	Sarette, John	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Jacobson, Alf
Kennedy, Richard	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Clark, Vivian	Hutchinson, Karen
Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane	Norelli, Terie
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Rubin, George
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Vaughn, Charles	Weatherspoon, Jackie	Zolla, William	

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Johnson, Nancy	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Phinzy, James	Tuthill, John	Wiggins, Celestine	

and the report was adopted.

Ordered to third reading.

**RECESS**

(Speaker Sytek in the Chair)

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**ENROLLED BILL AMENDMENTS**

**SB 170-FN-A**, establishing a Parents as Teachers Program in Sullivan county and making an appropriation therefor. (Amendment printed SJ 4/13/00)

Adopted by the necessary two-thirds.

**HB 1321**, relative to certain funds collected by order of the public utilities commission.

**Amendment (4094-EBA)**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Authorization for Contingent Renumbering. If any other act of the 2000 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into paragraph I of such section becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any RSA sections inserted by this or any other act as necessary to conform said sections to proper RSA format. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 2000 session laws.

Adopted by the necessary two-thirds.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 699, 1199, 1374 and 1512 and Senate Bill 76.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 432-FN-A**, relative to state assistance for teachers applying for national board certification, removed by Rep. O'Hearn.

Consent Calendar adopted by the necessary two-thirds.

**SB 318-FN**, relative to proposed joint maintenance agreements. **OUGHT TO PASS**

Rep. Russell N. Cox for Education: This bill is the product of a study committee and permits school districts to utilize joint maintenance agreements and to issue bonds and be eligible for school building aid grants. It also amends existing legislation by repealing a specific existing joint maintenance agreement that was never consummated. Vote 15-0.

Referred to Finance.

**SB 319**, relative to interstate school districts. **OUGHT TO PASS**

Rep. Elizabeth K. Hoadley for Education: All testimony in the hearing supported the bill. Elementary students in the Rivendale School District shall meet the standards established by one of the two states (New Hampshire and Vermont) with its passage. High school students have been addressed in earlier legislation. One result of this legislation is that students will not be required to take duplicate and time-consuming double assessments. Vermont state standards are both recent and rigorous. Vote 15-1.

**SB 352**, repealing the equipment challenge grant program within the New Hampshire community technical colleges. **OUGHT TO PASS**

Rep. Susan B. Durham for Education: The Equipment Challenge Grant Program was established in 1992 as a pilot program. It did good work for two years and has not been used since. The Technical Community College System is out-of-compliance, as shown by our audit, due to an inactive program. The Technical System continues to pursue this goal. Vote 16-0.

**SB 313**, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. **OUGHT TO PASS**

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: The committee unanimously supported the creation of this commission to look at how successful New Hampshire's welfare reform program has been in helping recipients achieve long-term economic independence. This commission will attempt to evaluate education options and access to post-secondary programs for persons under New Hampshire's temporary assistance to needy families welfare system. Vote 14-0.

**SB 377**, relative to peer support programs within the department of health and human services. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This legislation requires the Commissioner of Health and Human Services to establish peer support programs within the department. It also grants the Commissioner rulemaking authority for the purposes of this bill. It thereby, provides supporting legislation for one of the department's most responsive, innovative and cost effective programs. There will be no additional cost to the department, as this will validate a very popular program that is already occurring. Vote 13-1.

**SB 400-L**, relative to emergency medical and trauma services. **INEXPEDIENT TO LEGISLATE**  
Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: This bill would authorize the Commissioner of Health and Human Services to suspend or revoke a person's authority to operate under state and local protocols. The sole sponsor of this bill asked the committee to ITL the bill and this recommendation was also embraced by all those who came to testify before the committee on the bill. The situation this bill would address is being worked on by all those involved. Vote 14-0.

**HB 1627**, relative to the exchange of certain land in the town of Rindge. **OUGHT TO PASS WITH AMENDMENT**

Rep. William E. Leber for Public Works and Highways: This bill provides for equal exchange of approximately 0.11 acre of land between the town of Rindge and Cambridge Boy Scout Camp, Inc. with certain property rights possessed by the state pursuant to the Land Conservation Investment Program. The land would be used by the town of Rindge to straighten the road to provide a safer travel lane on Old New Ipswich Road. The Office of State Planning supports the bill, and finds the impacts are not extensive and do not impair the value of the conservation easement. Legislative approval is needed to convert the use of land to non-conservation. The amendment only changed the acreage from "0.07" to "approximately 0.11" acre. The committee strongly supports the Ought to Pass with Amendment. Vote 16-0.

#### **Amendment (4041h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Land in the Town of Rindge. Notwithstanding any other law to the contrary, an approximately 0.11 acre portion of land along Old New Ipswich Road now owned by Cambridge Boy Scout Camp, Inc., with certain property rights possessed by the state pursuant to the land conservation investment program under RSA 162-C, identified in the city's records as tax map 7, lot 27, may be exchanged with a like portion of land owned by the town of Rindge for the purpose of improving the road alignment of Old New Ipswich Road in Rindge, New Hampshire.

2 Findings. The general court hereby affirms its long-term commitment to preserving the natural beauty, landscape, rural character, and natural resources of New Hampshire consistent with the enabling legislation of the land conservation investment program. The general court, however, recognizes that in this specific instance, the exchange of an approximately 0.11 acre portion of protected land for the above described purposes will not impair any of the conservation values for which a conservation easement was purchased. The land used by the town of Rindge in connection with the relocation of the road will be compensated for by the town of Rindge deeding a parcel of equal size to the Cambridge Boy Scout Camp, Inc., subject to the terms of the existing conservation easement held by the state of New Hampshire. As such, the general court finds that in this instance, this legislation balances the public purposes of providing a safe travel lane along Old New Ipswich Road, with the need to ensure that the public's investment in conservation lands is not diminished over time.

3 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill authorizes the exchange of an approximately 0.11 acre portion of land currently owned by Cambridge Boy Scout Camp, Inc. with a like portion of land owned by the town of Rindge for the purpose of improving the road alignment of Old New Ipswich Road in Rindge.

**HJR 26**, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. **OUGHT TO PASS**

Rep. George R. Rubin for State-Federal Relations and Veterans Affairs: The testimony supported the need to ask Congress to respond to the needs of citizens in underserved rural areas of our state to improve access to local television. Vote 13-0.



**SCR 4**, urging the federal government to establish a new zip code for the town of Madbury. **OUGHT TO PASS**

Rep. Marshall E. Quandt for State-Federal Relations and Veterans Affairs: The small town of Madbury is under the zip code of the city of Dover and suffers from either delays or loss of mail. The two mismatched delivery areas share nothing in common, not schools, municipal departments, or governing authorities. Vote 13-0.

### CLERK'S NOTE

The Constitutionally required two-thirds of the membership was declared present.

### REGULAR CALENDAR

**HB 1623**, relative to the disclosure of customer financial information by financial institutions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Martha Fuller Clark for the Majority of Commerce: In November of 1999 Congress passed a sweeping rewrite of financial law that will allow banks, insurance companies and stock brokerages to merge with one another. Known as the Financial Modernization Act, this legislation will take effect in November 2000. The legislation requires that banks provide their customers with an opt-out procedure annually beginning this November if they don't want their banks to disclose their financial information to outside companies. HB 1623 could pre-empt this requirement by legislating opt-in rather than opt-out for New Hampshire financial institutions, and their customers. This change in process would have both legal and financial implications that could result in increased costs, increased consumer solicitations and potential loss of businesses and services to New Hampshire consumers. While HB 1623 raises legitimate concerns surrounding this issue of privacy with regard to an individual's personal financial information, the committee believes it is premature to pass this legislation which could have unintended consequences for the state's economy. The committee also believes that the consumer is adequately protected by the opt-out requirement in federal legislation. The committee will continue to follow the very critical issue of privacy vs. the technology information revolution, and may very well file legislation to address this issue once the federal rules have been released (due out in June 2000); the Federal Modernization Act goes into effect (November); and more information is available. Vote 12-1.

Rep. Linda L. Garrish for the Minority of Commerce: HB 1623 would put in place significant and expanded consumer privacy protections regarding the sharing of personal information between financial institutions. The Financial Modernization Act addresses only a limited form of consumer protection. The premise of HB 1623 is that all consumers have the fundamental right of privacy and should have the first and final say about what happens to their personal information. It seeks to protect all consumers especially the most economically vulnerable. The federal act was purposely amended to provide the opportunity for states to enact stricter consumer protections to address only this issue. Twenty-three state attorney generals, including New Hampshire and all other New England states, opposed the Financial Modernization Act because it provided only that consumers could "opt-out" of disclosure in order to avoid having their personal information shared with non-affiliated parties, yet did not provide the same provision between affiliated institutions. The attorney generals further felt that an "opt-in" provision, such as provided in HB 1623, was a more affirmative protection for the consumer since the consumer could make such a choice prior to the institution using, sharing, or selling it for any purpose. Ultimately, this bill would allow our constituents and not financial institutions to decide whether and to what extent non-public personal information can be used by a financial institution. Seventeen other states are currently addressing this type of legislation.

Reps. Garrish and Keans spoke against.

Reps. Fuller Clark and Francoeur spoke in favor.

Rep. Kurk requested a quorum count. The Speaker declared a quorum present.

Reps. Vachon and Kurk spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

**YEAS 189 NAYS 151**

**YEAS 189****BELKNAP**

Bartlett, Gordon  
Rosen, Ralph  
Wendelboe, Francine

Czech, Stanley  
Russell, David

Lawton, David  
Thomas, John

Rice, Thomas  
Turner, Robert

**CARROLL**

Babson, David Jr  
Kenney, Joseph

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Torresen, Gary

**CHESHIRE**

Avery, Stephen  
Lynott, Margaret  
Robertson, Timothy

Blaisdell, Michael  
McGuirk, Paul  
Royce, H Charles

Hunt, John  
Mitchell, McKim  
Smith, Edwin

Lerandeau, Alfred  
Richardson, Barbara

**COOS**

Gallus, John  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John Jr

Landers, Dana

**GRAFTON**

Dudley, Terri  
Nordgren, Sharon

Hinman, Harry  
Phinney, William

MacNeil, Allen  
Picconi, Al

Marshall, Gene  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Batula, Peter  
Brundige, Robert  
Clegg, Robert Jr  
Desmarais, Vivian  
Fields, Dennis  
Goulet, Maurice  
Jean, Claudette  
Konys, Christine  
Lozeau, Donnalee  
McColgan, Philip Jr  
Milligan, Robert  
Ouellette, Dean  
Reeves, Sandra  
Turgeon, Roland

Alukonis, David  
Beaupre, Roland  
Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Fletcher, Richard  
Haettenschwiller, Alphonse  
Jean, Loren  
LaRose, Richard  
Lynde, Harold  
McGough, Tim  
Murphy, Robert  
Pappas, Marc  
Sarette, John  
Wall, Nancy

Arnold, Thomas Jr  
Belvin, William  
Burkush, James  
Daigle, Robert  
Dyer, Merton  
Flora, Kathleen  
Herman, Keith  
Johnson, Lionel  
Leishman, Peter  
Martel, Andre  
Mendenhall, Leslie  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sargent, Maxwell  
Withee, Dennis

Arthur, Rose  
Bergin, Peter  
Christiansen, Lars  
Daniels, Gary  
Emerton, Lawrence  
Goley, Jeffrey  
Herman, Richard  
Keye, Harvey  
Leonard, Peter  
McCarty, Winston  
Mercer, Robert  
O'Hearn, Jane  
Peterson, Andrew  
Tate, Joan

**MERRIMACK**

Brewster, Richard  
Fortnam, Janet  
Hager, Elizabeth  
Kennedy, Richard  
Marshall, Kenneth  
Seldin, Gloria  
Wallin, Jean

Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Langer, Ray  
Moore, Carol  
Soltani, Tony  
Wallner, Mary Jane

Daneault, Gabriel  
French, Barbara  
Hoadley, Elizabeth  
Lavoie, Gerard  
Nichols, Avis  
St Cyr, Gerard  
Whalley, Michael

Feuerstein, Martin  
Gile, Mary  
Jacobson, Alf  
Lockwood, Priscilla  
Reardon, Tara  
Virtue, Carolyn

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cox, Russell  
Flanagan, Natalie  
Henderson, Warren  
Katsakiores, Phyllis

Belanger, Ronald  
Christie, Andrew Jr  
DiFruscia, Anthony  
Flanders, John Sr  
Hutchinson, Rebecca  
Kelley, William

Bishop, Franklin  
Clark, Martha  
Dowling, Patricia  
Francoeur, Sheila  
Kane, Cecelia  
Langley, Jane

Blanchard, MaryAnn  
Cooney, Richard  
Downing, Michael  
Hamel, Albert  
Katsakiores, George  
Major, Norman

Morse, Charles  
 Priestley, Anne  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Weare, Everett

Norelli, Terie  
 Rubin, George  
 Splaine, James  
 Tufts, J Arthur  
 Weyler, Kenneth

Noyes, Richard  
 Schanda, Frank  
 Stickney, Nancy  
 Varrell, Thomas  
 Zolla, William

O'Neil, Michael  
 Shelton, Richard  
 Stone, Joseph  
 Verani, Giovanni

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Rogers, Rose Marie

Brennan, William  
 Domingo, Baldwin  
 Taylor, Kathleen

Callaghan, Frank  
 Estabrook, Iris  
 Torr, Franklin

Cossette, Larry  
 Kaen, Naida  
 Tsiros, William

### SULLIVAN

Allison, David  
 Wiggins, Celestine

Burling, Peter

Flint, Gordon Sr

Robb-Theroux, Amy

### NAYS 151

### BELKNAP

Boriso, Thomas  
 Wood, Jane

Boyce, Robert

Johnson, James

Pilliod, James

### CARROLL

Dickinson, Howard

Lyman, L Randy

Philbrick, Donald

Sullivan, P Judith

### CHESHIRE

Batchelder, Robert  
 Meader, David  
 Rose, William

Burnham, Daniel  
 Pratt, Irene  
 Zerba, Roger

Lynch, Margaret  
 Pratt, John

Manning, Joseph  
 Roberts, William

### COOS

Davis, Perley

Rodrigue, Robert

### GRAFTON

Akins, Ralph  
 Cobb, John  
 Hall, David  
 Solow, Martha

Alger, John  
 Copenhaver, Marion  
 Ham, Bonnie  
 Weber, Phil

Almy, Susan  
 Gilman, G Michael  
 Johnson, Gary

Brothers, Richard  
 Guest, Robert  
 Mirski, Paul

### HILLSBOROUGH

Andrews, Frederick  
 Calawa, Leon Jr  
 Craig, James  
 Dwyer, Paul Sr  
 Gagnon, Eugene  
 Hall, Betty  
 LaPorte, George  
 Martin, Mary Ellen  
 Messier, Irene  
 O'Connell, Timothy  
 Thulander, O Alan  
 Williams, Carol

Baroody, Benjamin  
 Carlson, Donald  
 Dawe, Eileen  
 Ford, Nancy  
 Garrish, Linda  
 Hunter, Bruce  
 Lasky, Bette  
 McDonald, James Sr  
 Moran, Edward  
 Reidy, Frank  
 Vaillancourt, Steve

Bergeron, Lucien  
 Chabot, Robert  
 Dokmo, Cynthia  
 Foster, Linda  
 Ginsburg, Ruth  
 Kurk, Neal  
 Lefebvre, Roland  
 McRae, Karen  
 Moriarty, Mary  
 Rowe, Robert  
 White, Donald

Bruno, Pierre  
 Cote, David  
 Durham, Susan  
 Franks, Suzan  
 Gorman, Mary  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 Melcher, Harold  
 Mosher, William  
 Simon, Anthony  
 White, John

### MERRIMACK

Anderson, Eric  
 Larrabee, David Sr  
 Potter, Frances  
 Whittemore, James

Bouchard, Candace  
 Leber, William  
 Poulin, Dave  
 Yeaton, Charles

Chase, George  
 Marple, Richard  
 Rodd, Beth

Davis, Francis  
 Owen, Derek  
 Rosenfield, Jay

**ROCKINGHAM**

Abbott, Dennis  
Gibbons, Paul  
Johnson, Robert  
Letourneau, Robert  
Nowe, Mary Lou  
Putnam, Ed II  
Ruffner, Walter  
Weatherspoon, Jackie

Case, Margaret  
Gleason, John  
Kelley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Sabella, Norma  
Welch, David

Clark, Vivian  
Griffin, Mary  
Kobel, Rudolph  
Mikowski, Walter  
Packard, Sherman  
Raynowska, Bernard  
Sapareto, Frank  
Whittier, John

Dearborn, Bruce  
Hutchinson, Karen  
Langone, John  
Moore, Benjamin  
Pitts, Jacqueline  
Reardon, Neil  
Vaughn, Charles

**STRAFFORD**

Bickford, David  
Heon, Richard  
Lent, Donald  
Smith, Marjorie  
Vachon, Dennis

Brown, George  
Johnson, Nancy  
McKinley, Robert  
Snyder, Clair  
Vincent, Francis

Brown, Julie  
Keans, Sandra  
Pelletier, Arthur  
Spang, Judith  
Wall, Janet

Dunlap, Patricia  
Knowles, William  
Rollo, Michael  
Twardus, Joseph  
Woods, Phyllis

**SULLIVAN**

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Tuthill, John

Jones, Constance

Leone, Richard

and the majority report was adopted.

**REMOVED FROM THE TABLE**

Rep. Mock moved that *CACR 2*, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes, be removed from the table.

On a division vote, 251 members having voted in the affirmative and 87 in the negative, the motion was adopted by the necessary three-fifths.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Mock moved that the House reconsider its action whereby it failed to adopt the committee report of Ought to Pass with Amendment by the necessary three-fifths on *CACR 2*, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

Rep. Mock spoke in favor and yielded to questions.

Reconsideration prevailed.

The question now being the adoption of the Committee report of Ought to Pass with Amendment on *CACR 2*, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

**DEBATE ON CACR 2**

Rep. Bickford moved that the debate be printed in the Journal.

On a division vote, 152 members having voted in the affirmative and 150 in the negative, the motion was adopted.

Rep. Kennedy: Thank you, Madam Speaker. Many years ago I served on the first Fairbanks Committee. I thought that was the saddest thing I had ever been forced to do. I look over here and I see the distinguished representative who, in those days, put the bounty on a judge. I understand that he was just as sad as I was at that time. This all has gone down hill. We look at men and we blame men for what happens. Today, we are investigating men and the hardest thing I ever did was to go after men I respect but I voted today to do so. I have in my hands the papers I have asked one of the most honorable men of this state to find for me. The Secretary of State has dug up the original papers when 73-a was put together. Let me read it to you very simply. This is what was asked of the voters. "Are you in favor of limiting the constitution provided that the Chief Justice of the Supreme Court shall be the administrative head of the state courts and he shall have, with concurrence of the majority of the supreme court justices, to make rules governing procedure in the courts." That is what the people were asked. When it came out they added to it, "and the rules so promulgated shall have the force and effect of law." The Constitution of the United States says that the



republican form of government is where the elected people's representatives makes the law. No bureaucrat can make a law. They can make rules but those rules are subject to you, you and the people who are represented by you. Today, these are the facts that this is out of line. It is my opinion that this is where the courts started to go downhill. This CACR will hopefully start the remedial actions so that we never again have to take honorable men who made mistakes or who possibly made mistakes, because of a foul system and none of us again will have to push the buttons that we did today. I thank you very much and I will hand this over. Madam Speaker will you give this to Judiciary, please.

Rep. Jacobson: Thank you, Madam Speaker. As the previous speaker has already read the question which happens to be question number 4 in 1978, I do want to say that it was the Constitutional Convention of 1974 that did adopt the amendment as it is now read in the constitution. There was a legitimate adoption but when it came to the voters to see the amendment in its fullness that was not present and the voters guide did not make a reference to it. I was chairman of House Bill 1338 committee in 1998 and we went over this with a great deal of care. We had only one problem that one of the justices who was most involved in this particular situation in 1978 refused to come so we didn't have his testimony. However, House Bill 1338 committee recommended that this change be put to the people again in such a way that at least they understand the full impact and that is what we hope you will support today. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Bickford, you may inquire.

Rep. Bickford: Thank you, Rep. Jacobson. My concern has been what will the impact be. I've been very concerned about whether if we start passing statutes that deal with the criminal aspect of law if we are going to interfere with rules of evidence. Could you tell me a little bit about the rule of impacts that this may have.

Rep. Jacobson: This will be a constitutional amendment which will put a limitation on the court's current authority for making rules that relate to confidentiality, that relate to secrecy and other rules. What this says is that the legislature will have an oversight in it and pass legislation that would, in some respects, nullify the rules or modify the rules. It has nothing to do with questions of substantial law.

Speaker Sytek: Would the member yield to another question? Rep. Burling, you may inquire.

Rep. Burling: Thank you, Madam Speaker. I am speaking truly from ignorance at this point. I just wanted to make them happy. The discussion has gone on for some time whether this state should move to what is called the federal system, in which rules of civil and criminal procedure are promulgated by the Supreme Court and then reviewed and accepted by a legislative panel. As I read the text of CACR 2, I cannot, myself, tell whether that's the end result we're aiming for or some other result is desired. I happen to be a believer in the notion of the federal approach to have rules promulgated by the court, approved by the legislative panel; if disapproved then re-written by the court. Can you tell me if CACR 2 were to pass is that where we would wind up or would we wind up in some other place?

Rep. Jacobson: I believe that is the fundamental thrust of this proposal in that there would be a degree of oversight on the making of rules by the legislature and we are dealing only with rules again and not with substantial law. So, the legislature could say if a rule was passed that they believed was not a proper law then they could provide the corrective or considering the corrective the court could correct it before we pass the law, but it relates only to rules and not to questions of substantial law.

Speaker Sytek: Will the member yield to another question? Rep. Lynde, you may inquire.

Rep. Lynde: Thank you, Madam Speaker. Thank you, Rep. Jacobson. Madam Speaker may I ask you a question first? You said to approve this as amended. I got a copy of that, Is this what you mean, the thing that is in the outer chamber? Yes, thank you. Rep. Jacobson, I would like to ask you not so much to reassure me but maybe to reassure the public in conjunction with this. Earlier today, we passed a resolution for the purpose of assuring a complete, fair and objective investigation under CACR 50. I recognize that this CACR was before the House much before the issues that brought CACR 50 before us occurred. There may be some that say, well, are we now doing something that would appear to be inconsistent with the objectives of CACR 50 and I see this. Obviously, we are bringing something forth that had been on the table and what would you say to those people that may bring that type of issue before us?

Rep. Jacobson: First let me say that the action this morning was a House Resolution, rather than a CACR. I don't believe there is a necessary intimate connection to this. The resolution that we passed

is an investigation into questions that may result in impeachment or may not result in impeachment. This is a Constitutional proposal that will go before the people and it will require a two-thirds vote. So, I do not see any connection and this has been an issue, interestingly enough, since 1978 when it was passed and it was revealed that there was more to the amendment than was in the voter's guide and what they voted on.

Speaker Sytek: Would the member yield to another question? The member yields.

Rep. Lynde: Just a quick question. The way I read this is that if there was a rule that we were aware of that we didn't like, could we conceivably pass legislation essentially saying that rule is null and void?

Rep. Jacobson: Yes.

Speaker Sytek: Would the member yield to another question? Rep. Smith you may inquire.

Rep. Marjorie Smith: Thank you very much, Madam Speaker. This is what my question is. If we know what the problem is, the problem is that the last sentence, the one that says, "the rules promulgated shall have the force and effect of law," were omitted when the voters chose to approve what became article 73-a, if that is the problem, number one. Number two, if our goal, as you have said to the previous questioner, is to perhaps move towards the procedure used in the federal courts where the courts prepare their rules and then submit them to the legislative body for approval. So, if we know what the problem is and if we know what the desired solution is, why would we be confusing the issue by using language which says, and which the voter are supposed to understand, "providing that Supreme Court rules may not be inconsistent with statutes?" Why don't we call a spade a spade if our goal is to make sure the voters know what we mean when we say it?. How do we end up with this language?

Rep. Jacobson: I'm not sure there was a question in that. In any event, there is only one way to deal with this and that is either to have someone kind of legislative oversight or as the court has interpreted this for the last 22 years, is that they have total control. In fact, Judge Brock told me himself that the only power that the legislature has at this moment, other than impeachment, is the budget. Because this has been so controversial over the last 22 years that this seemed to be the way in which the court can continue to make rules except if they become inconsistent with what the legislature believes.

Rep. Sytek: Would the member yield to another question? Rep. Peterson you may inquire.

Rep. Peterson: Thank you, Madam Speaker and thank you, Rep. Jacobson for yielding. Were this CACR to pass and the legislature were to move forward to pass a statute which overturned one of the court rules and there were say a couple hundred people up in the penitentiary who had been convicted under those rules, would they have cause to appeal and look for a mistrial?

Rep. Jacobson: First of all, let me say the only reason I'm answering all these questions is because I think it is a very important issue and I believe I should yield. Secondly, those people, as far as I know and remember, I'm not a lawyer, as far as I know, those people were put there by judicial decision and they would then have prove that the judicial decision violated the rules that were in existence at the time.

Speaker Sytek: Would the member yield to another question? Rep. Franks, you may inquire.

Rep. Franks: Thank you, Madam Speaker. Thank you, Rep. Jacobson. I guess I'm still unsure exactly where we are going with this and I'm a little bit concerned with the explanation thus far and I know everyone is trying very hard to understand this so we can make the right decision today. The rules that the Supreme Court – the rulings? – I guess that is what I am asking. When you are referring to the rules of the Supreme Court is making, are those the rulings that they make on specific laws we have passed? Is that what you are referring to?

Rep. Jacobson: No.

Rep. Franks: Then are you referring to their rules of operation in the court itself?

Rep. Jacobson: Yes.

Rep. Franks: If that is the case, and you have said it is, then I would ask if the Supreme Court has the same authority to make rulings on our rules of operation in the House?

Rep. Jacobson: It specifically says in the constitution that the house and senate may make its own rules of proceeding.

Rep. Franks: If I understand this, and I may not have it right yet, but if I understand this properly, what we are talking about doing is putting in legislative oversight for the rules of the Supreme Court of operation and yet they do not have the same ability to have an oversight committee over the house and senate.

Rep. Jacobson: Well, there is a huge difference between the rules that the court puts in because the rules of the court effect every single individual in the state of New Hampshire. Whereas the rules of this house are limited to the members of the legislature in their proceedings. Now, let me just give you one example of that. You will recall that in the Fairbanks case, millions of dollars were stolen by Fairbanks, so the legislature wanted to find a way to try to indemnify, at least in the future, the victims of this kind of activity so we proposed a rule in the Judiciary Committee by legislation. The Supreme Court came back and said, one, that we couldn't do it and, secondly, they wanted to do their own. O.K., that is what ultimately happened. But, the difference between the two was that they set up a fund that was far smaller than what the legislature had and we have to look to the public interest in these issues.

Rep. Franks: If I can say this, I'm caught between insuring the separation of powers in state government and weighing that with what we have before us today; would you believe?

Rep. Jacobson: The separation of powers is a totally different problem. The separation of powers as understood by our founding fathers goes to the heart of the matter in terms of the judicial decisions and you will recall this morning I mentioned Woodbury Langdon was condemned in the House for giving the judiciary independence in judicial decisions. That is what is their responsibility and we should not muddle in it as they did in the beginning stages. But we have now accepted the view of judicial review by the Supreme Court of the decisions that are made by the lower courts and we have not, since 1818, gotten in to nullifying judicial decisions.

Speaker Sytek: Will the member yield to another question? Rep. Simon, you may inquire.

Rep. Simon: Thank you, Madam Speaker. Thank you, representative and thank you members of the House. I appreciate your indulgence because I truly believe that this is one of the most critical issues that this legislature will address. My question, representative, is this. If I am concerned that perhaps the passage of Article 73-a back in 1978, I believe it was, was a mistake and it, indeed, set us on the road to the constitutional confrontation that we have acted on today, is not CACR 2 premature and does it not beg the question because perhaps shouldn't we be putting the question to the people of New Hampshire, should not 73-a be repealed in its entirety?

Rep. Jacobson: I think we are getting into the minutia of the issue. I have no problem with the court making rules. I do have a problem when there is no check and balance on those rules. That was the conclusion that the committee on House Bill 1338 came to after its investigation and this proposal was the result of it.

Speaker Sytek: Would the member yield to another question? Rep. Norelli.

Rep. Norelli: Thank you, Madam Speaker and again I'm happy that Rep. Jacobson has indulged me in a question because I happen to agree with the previous speaker that this is very important and I want to make the right decision. Rep. Jacobson, it is my understanding that what you want to do is to give the legislature oversight, checks and balances, oversight over the administrative rules that the Supreme Court makes and if, in fact, I agree with you on the issue, what I'm really not sure about is whether or not the language that is in here on the amendment that says, "simply provided, however, that such rules may not be inconsistent with statute", whether that actually accomplishes the goal that you want and that is does that allow us to have the legislative oversight that you want to us to have, that language?

Rep. Jacobson: I might say two things. First of all, it is very important to know the difference between rules and rulings because rulings are the function of the court not of us. Now, the rules are ways in which there is an administration and that is the area where these procedures impact on the total population of the state. We are the ultimate body to make sure that they are in the public interest. Now, I cannot predict what is going to happen but, all we are doing now is to submit it and let the people vote on it. Maybe they are going to vote by two-thirds to have it the way it is or maybe it will fail by two-thirds and it will be back to exactly where it is now and the important point is to give the people of New Hampshire that opportunity which they did not clearly understand in 1978.

Speaker Sytek: Will the member yield to another question? Rep. Sabella, you may inquire.

Rep. Sabella: Thank you, Madam Speaker. Thank you, Rep. Jacobson. I'd like to go back, I think, to the area that Rep. Franks was calling. This is very crucial to the future of the House and the court system and the whole fabric of the state. It concerns me, having voted this morning to have the investigation go forward, that now we are doing this. I'm afraid of this House impinging on the other branch of government. We don't know what we are going to find from this investigation. Why should we act on this CACR again now when we have already decided to do something? Quite



frankly, I'm not only worried about the integrity of the House, I'm really more concerned about the integrity of the court because I think that's the whole question.

Rep. Jacobson: As I indicated I believe that the issue that we dealt with this morning is a totally separate issue from the issue we are dealing with now.

Rep. Mock: Thank you, Madam Speaker. Representatives, let me make this very, very simple. If you think that the voters should be amending the constitution of the state without seeing the constitution, it's wrong. That is what happened. The constitution got amended, changed without the people knowing exactly what they were voting on. All we are asking is that you give the Supreme Court that has been making rules some validity because they have been making rules since 1978 with authority that someone down in Concord wrote in. That is what's been happening. This proposition doesn't take that away. They can still make rules. You know what? You have oversight over the executive branch. We have a Rules Committee here. When the Fish and Game changes the length of a trout, it comes over here. When the Supreme Court makes a rule, it doesn't come over here. All this is saying is that it ought to come over here. We ought to take a look at it. It's plain. It's simple. That's it in a nutshell. I ask you to approve this thing. Thank you and I will take no questions because I know it is a long day.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 267 NAYS 62

### YEAS 267

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Lawton, David	Pilliod, James	Rice, Thomas
Rosen, Ralph	Russell, David	Thomas, John	Turner, Robert
Wendelboe, Francine			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Hunt, John
Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Pratt, Irene	Richardson, Barbara	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

#### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Tholl, John Jr

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Solow, Martha
Ward, Brien	Weber, Phil		

#### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Emerton, Lawrence



Fenton, James  
 Ford, Nancy  
 Ginsburg, Ruth  
 Hunter, Bruce  
 Konys, Christine  
 Lasky, Bette  
 Lozeau, Donnalee  
 McCarty, Winston  
 McRae, Karen  
 Milligan, Robert  
 O'Connell, Timothy  
 Reidy, Frank  
 Tate, Joan  
 Wall, Nancy

Fields, Dennis  
 Foster, Linda  
 Gorman, Mary  
 Jean, Claudette  
 Kurk, Neal  
 Lefebvre, Roland  
 MacGillivray, Jeffrey  
 McColgan, Philip Jr  
 Mendenhall, Leslie  
 Moran, Edward  
 O'Hearn, Jane  
 Rowe, Robert  
 Thulander, O Alan  
 White, Donald

Fletcher, Richard  
 Franks, Suzan  
 Goulet, Maurice  
 Jean, Loren  
 L'Heureux, Robert  
 Leishman, Peter  
 Martel, Andre  
 McDonald, James Sr  
 Mercer, Robert  
 Mosher, William  
 Pepino, Leo  
 Sarette, John  
 Turgeon, Roland  
 White, John

Flora, Kathleen  
 Gagnon, Eugene  
 Haettenschwiler, Alphonse  
 Keye, Harvey  
 LaRose, Richard  
 Leonard, Peter  
 Martin, Mary Ellen  
 McGough, Tim  
 Messier, Irene  
 Nolan-Piteri, Darn  
 Reeves, Sandra  
 Sargent, Maxwell  
 Vaillancourt, Steve  
 Withee, Dennis

### MERRIMACK

Anderson, Eric  
 Feuerstein, Martin  
 Hager, Elizabeth  
 Larrabee, David Sr  
 Marple, Richard  
 Potter, Frances  
 Wallin, Jean

Bouchard, Candace  
 Fortnam, Janet  
 Hess, David  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Rodd, Beth  
 Whalley, Michael

Daneault, Gabriel  
 Fraser, Marilyn  
 Jacobson, Alf  
 Leber, William  
 Nichols, Avis  
 Soltani, Tony  
 Yeaton, Charles

Davis, Francis  
 French, Barbara  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Owen, Derek  
 Virtue, Carolyn

### ROCKINGHAM

Abbott, Dennis  
 Bridle, Russell  
 Clark, Vivian  
 Dowling, Patricia  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, George  
 Kobel, Rudolph  
 Major, Norman  
 Nowe, Mary Lou  
 Packard, Sherman  
 Raynowska, Bernard  
 Schanda, Frank  
 Stickney, Nancy  
 Varrell, Thomas  
 Welch, David

Arndt, Janet  
 Case, Margaret  
 Cooney, Richard  
 Downing, Michael  
 Gibbons, Paul  
 Hutchinson, Karen  
 Katsakiores, Phyllis  
 Langley, Jane  
 McKinney, Betsy  
 Nowe, Ronald  
 Priestley, Anne  
 Rubin, George  
 Shelton, Richard  
 Stone, Joseph  
 Vaughn, Charles  
 Weyler, Kenneth

Belanger, Ronald  
 Christie, Andrew Jr  
 Cox, Russell  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Rebecca  
 Kelley, Jane  
 Langone, John  
 Mikowski, Walter  
 Noyes, Richard  
 Putnam, Ed II  
 Ruffner, Walter  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Verani, Giovanni  
 Whittier, John

Bishop, Franklin  
 Clark, Martha  
 Dearborn, Bruce  
 Flanders, John Sr  
 Hamel, Albert  
 Johnson, Robert  
 Kelley, William  
 Letourneau, Robert  
 Morse, Charles  
 O'Neil, Michael  
 Quandt, Marshall  
 Sapareto, Frank  
 Splaine, James  
 Tufts, J Arthur  
 Weare, Everett  
 Zolla, William

### STRAFFORD

Berube, Roger  
 DeChane, Marlene  
 Heon, Richard  
 Lent, Donald  
 Rollo, Michael  
 Tsiros, William

Bickford, David  
 Domingo, Baldwin  
 Johnson, Nancy  
 McKinley, Robert  
 Spang, Judith  
 Vincent, Francis

Brown, George  
 Dunlap, Patricia  
 Kaen, Naida  
 Pelletier, Arthur  
 Taylor, Kathleen  
 Wall, Janet

Cossette, Larry  
 Gilmore, Gary  
 Knowles, William  
 Rogers, Rose Marie  
 Torr, Franklin  
 Woods, Phyllis

### SULLIVAN

Burling, Peter  
 Leone, Richard

Donovan, Thomas Jr  
 Robb-Theroux, Amy

Flint, Gordon Sr

Jones, Constance

### NAYS 62 BELKNAP

None

**CARROLL**

None

**CHESHIRE**Burnham, Daniel  
Zerba, Roger

Lynch, Margaret

Mitchell, McKim

Robertson, Timothy

**COOS**

None

**GRAFTON**

Almy, Susan

Copenhaver, Marion

Johnson, Gary

**HILLSBOROUGH**Ahern, Richard  
Cote, David  
Garrish, Linda  
Johnson, Lionel  
Moriarty, Mary  
Williams, CarolArthur, Rose  
Cote, Peter  
Goley, Jeffrey  
LaPorte, George  
Murphy, RobertBergeron, Lucien  
Craig, James  
Hall, Betty  
Lynde, Harold  
Peterson, AndrewBurkush, James  
Dwyer, Paul Sr  
Herman, Richard  
Melcher, Harold  
Simon, Anthony**MERRIMACK**Brewster, Richard  
Moore, Carol  
St Cyr, GerardChase, George  
Reardon, Tara  
Wallner, Mary JaneCrosby, Toni  
Rosenfield, Jay  
Whittemore, JamesGile, Mary  
Seldin, Gloria**ROCKINGHAM**Blanchard, MaryAnn  
Pitts, JacquelineDiFruscia, Anthony  
Reardon, NeilKane, Cecelia  
Sabella, NormaNorelli, Terie  
Weatherspoon, Jackie**STRAFFORD**Brennan, William  
Keans, Sandra  
Vachon, DennisBrown, Julie  
Smith, MarjorieCallaghan, Frank  
Snyder, ClairEstabrook, Iris  
Twardus, Joseph**SULLIVAN**Allison, David  
Wiggins, Celestine

Cloutier, John

Phinizy, James

Tuthill, John

and the report was adopted by the necessary three-fifths.

Rep. Dalianis declared a conflict of interest and did not participate.

**SUSPENSION OF RULES**

Rep. Chandler moved that the Rules be so far suspended as to permit third reading and final passage at the present time of *CACR 2*, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

Adopted by the necessary two-thirds.

**MOTION ON CACR 2**

Rep. Chandler moved that, *CACR 2*, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes, be read a third time and passed.

Adopted by the necessary three-fifths.

**Third reading and final passage**

*CACR 2*, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

**REGULAR CALENDAR (CONT'D.)**

**SB 210-FN-L**, relative to payment by the state for certain court-ordered placements of special education students. **OUGHT TO PASS WITH AMENDMENT**

Rep. Clair A. Snyder for Education: This bill requires the state to pay the cost of special education services provided for all court-ordered, out-of-district placements of special education pupils. The amendment requires that the sending district reimburse the Department of Education for either the average per pupil cost or for the actual pro-rated cost of the special education or educationally related services. Vote 16-0.

#### **Amendment (4030h)**

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Liability for Education of Children in Homes for Children or Health Care Facilities; Liability for Costs Amended. Amend RSA 193:29 by inserting after paragraph V the following new paragraph:

VI. For the purpose of determining liability for all costs of special education or special education and educationally related services pursuant to RSA 186-C:19-b, II, the sending district shall be liable to the department of education for either the average per pupil cost as estimated by the department of education or for the actual prorated cost of special education and any educationally related services as defined in RSA 186-C:2 provided by the receiving district, whichever is greater.

3 Effective Date. This act shall take effect July 1, 2001.

#### **AMENDED ANALYSIS**

This bill requires the state to pay the full cost of special education services provided to all court-ordered, out-of-district placements of special education pupils, and requires that the sending district reimburse the department of education for all such cost.

Adopted.

Rep. O'Hearn yielded to questions.

Report adopted and referred to Finance.

#### **MOTION TO SPECIAL ORDER**

Rep. Burling moved that **SCR 3**, rescinding the 1979 call for a federal constitutional convention, be made a Special Order for Thursday, April 20, 2000 in the regular calendar order.

Adopted.

#### **REGULAR CALENDAR (CONT'D.)**

**SB 432-FN-A**, relative to state assistance for teachers applying for national board certification. **OUGHT TO PASS WITH AMENDMENT**

Rep. Iris W. Estabrook for Education: The amendment authorizes the Dept. of Education, through the Department's existing budgetary allocations, to reimburse costs associated with ten teachers becoming certified by the National Board for Professional Teaching Standards. These teachers are required to perform a minimum of three years teaching service in New Hampshire following National Board Certification. The bill recognizes teachers' applying for National Board Certification. Vote 16-0.

#### **Amendment (4024h)**

Amend RSA 189:14-f, I-a as inserted by section 2 of the bill by replacing it with the following:\*

I-a. Notwithstanding the provisions of paragraph I of this section, a teacher who submits written evidence to the state board of education demonstrating that he or she has successfully completed the National Board for Professional Teaching Standards certification course and who has met the requirements of RSA 189:14-f, I(a) and (b) shall be granted the credential of master teacher. Teachers receiving the master teacher credential under this paragraph shall be subject to the provisions of paragraph III of this section.

Amend the bill by replacing section 3 with the following:

3 New Section; Teachers; National Board Certification Course. Amend RSA 189 by inserting after section 14-f the following new section:

189:14-g National Board for Professional Teaching Standards Certification.

I. A teacher possessing a valid professional standards certificate from the state board of education who has obtained a written recommendation from their local superintendent may apply, through the division of educational improvement, department of education, to take the National

Board for Professional Teaching Standards certification course (NBPTS). A teacher applying through and selected by the division of educational improvement, department of education shall be eligible to receive reimbursement from the department of education for the course fee.

II. Beginning July 1, 2001, the department of education shall, from existing budgetary allocations, reimburse the course fee for a maximum of 10 teachers per fiscal year who successfully complete the NBPTS course. The department is hereby authorized to expend funds for the purpose of reimbursing NBPTS course fees in accordance with this section.

III. Nothing in this section shall be construed to prevent a teacher possessing a valid professional standards certificate from the state board of education from taking the NBPTS course as may be desired. Such teachers shall be financially responsible for all costs associated with obtaining the certification and shall be eligible to receive the master teacher credential pursuant to RSA 189:14-f, I-a.

IV. A teacher who successfully completes the NBPTS certification course shall be required to perform a minimum of 3 years of full-time teaching at a primary or secondary public school in New Hampshire.

Rep. O'Hearn spoke against.

The amendment failed.

Rep. O'Hearn offered a floor amendment.

### Floor Amendment (4120h)

Amend RSA 189:14-f, I-a as inserted by section 2 of the bill by replacing it with the following:

I-a. Notwithstanding the provisions of paragraph I of this section, a teacher who submits written evidence to the state board of education demonstrating that he or she has successfully completed the National Board for Professional Teaching Standards certification course and who has met the requirements of RSA 189:14-f, I(a) and (b) shall be granted the credential of master teacher. Teachers receiving the master teacher credential under this paragraph shall be subject to the provisions of paragraph III of this section.

Amend the bill by replacing section 3 with the following:

3 New Section; Teachers; National Board Certification Course. Amend RSA 189 by inserting after section 14-f the following new section:

189:14-g National Board for Professional Teaching Standards Certification.

I. A teacher possessing a valid professional standards certificate from the state board of education who has obtained a written recommendation from their local superintendent may apply, through the division of educational improvement, department of education, to take the National Board for Professional Teaching Standards certification course (NBPTS). A teacher applying through and selected by the division of educational improvement, department of education shall be eligible to receive reimbursement from the department of education for the course fee.

II. Beginning July 1, 2001, the department of education shall, from existing budgetary allocations, reimburse the course fee for a maximum of 10 teachers per fiscal year who successfully complete the NBPTS course. The department is hereby authorized to expend funds for the purpose of reimbursing NBPTS course fees in accordance with this section.

III. Nothing in this section shall be construed to prevent a teacher possessing a valid professional standards certificate from the state board of education from taking the NBPTS course as may be desired. Such teachers shall be financially responsible for all costs associated with obtaining the certification and shall be eligible to receive the master teacher credential pursuant to RSA 189:14-f, I-a.

IV. A teacher who successfully completes the NBPTS certification course and receives funding under paragraph II of this section shall be required to perform a minimum of one year of full-time teaching at a primary or secondary public school in New Hampshire. In lieu of the one year of full-time teaching, a teacher may reimburse the department of education for any funds received in connection with the NBPTS course. Such reimbursement shall be completed within one year of the completion of the NBPTS course.

### AMENDED ANALYSIS

This bill provides that the department of education shall pay the costs associated with 10 teachers annually taking the National Board for Professional Teaching Standards certification course, and provides that teachers who obtain such certification shall be automatically certified as master teachers in New Hampshire. The bill also establishes a one year teaching requirement for teachers who receive funds from the department of education to take the course.



Rep. O'Hearn spoke in favor.

Adopted.

Report adopted and referred to Finance.

### REMOVED FROM THE TABLE

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal years 1999, 2000 and 2001, be removed from the table.

Adopted.

Rep. Alukonis offered a floor amendment.

### Floor Amendment (4110h)

Amend the title of the resolution to read as follows:

AN ACT affirming revenue estimates for fiscal years 2000 and 2001.

Amend the resolution by replacing all after the title with the following:

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 2000, and 2001 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2000 and 2001.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)
	FY 2000		FY 2001	
GENERAL & ED TRUST FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>
(1) Business Profits Tax	\$194.400	\$194.400	\$190.800	\$190.800
(2) Business Enterprise Tax	<u>\$127.200</u>	<u>127.200</u>	<u>113.900</u>	<u>113.900</u>
(3) Subtotal	<u>321.600</u>	<u>321.600</u>	<u>304.700</u>	<u>304.700</u>
(4) Meals & Rooms Tax	\$156.000	154.000	167.300	165.000
(5) Liquor Sales	\$ 80.000	83.000	82.000	85.000
(6) Interest & Dividends Tax	66.000	66.000	70.000	70.000
(7) Insurance Tax	63.000	60.000	64.000	61.000
(8) Tobacco Tax	102.600	96.000	102.600	96.000
(9) Other	42.650	46.700	42.650	46.500
(10) Communications Tax	49.000	47.000	53.000	49.000
(11) Estate & Legacy Tax	52.000	55.000	56.000	59.000
(12) Real Estate Transfer Tax	85.100	83.000	91.800	85.000
(13) Court Fines & Fees	22.000	22.000	22.000	22.000

	(A)	(B)	(C)	(D)
	FY 2000		FY 2001	
GENERAL & ED TRUST FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>
(14) Utility Tax	10.500	9.500	10.500	9.500
(15) Securities Revenue	22.500	23.000	22.500	23.000
(16) Board & Care Revenue	10.700	12.000	10.700	11.000
(17) Beer Tax	11.700	11.700	11.800	11.800
(18) Horse Racing	2.500	2.500	2.500	2.500
(19) Dog Racing	1.000	1.000	1.000	1.000
(20) Tobacco Settlement Funds	<u>58.698</u>	<u>54.000</u>	<u>46.107</u>	<u>40.000</u>
(21) SUBTOTAL	<u>\$1,157.548</u>	<u>\$1,148.000</u>	<u>\$1,161.157</u>	<u>\$1,142.000</u>
(22) Other Medicaid Enhancement	10.000	10.000	10.000	10.000
(23) Net Medicaid Enhance. Revenue	63.700	73.000	65.300	75.000
(24) Utility Property Tax	32.400	32.600	23.900	17.500
(25) State Property Tax	24.100	24.100	24.100	24.100
(26) Transfers from Sweepstakes	<u>56.000</u>	<u>60.000</u>	<u>56.000</u>	<u>61.000</u>
(27) TOTAL GEN'L & ED TRUST FUNDS	<u>\$1,343.748</u>	<u>\$1,347.700</u>	<u>\$1,340.457</u>	<u>\$1,329.600</u>

HIGHWAY FUNDS:

(Dollars in Millions)

(1) Road Toll - Gross Total	\$142.600	\$137.600	\$147.000	\$141.200
(2) Less Betterment	<u>(\$18.600)</u>	<u>(\$18.600)</u>	<u>(\$18.700)</u>	<u>(\$18.700)</u>
(3) Road Toll - Net Total	\$124.000	\$119.000	\$128.300	\$122.500
(4) Motor Vehicle Fees	68.000	68.000	69.000	69.000
(5) <u>Miscellaneous</u>	<u>10.200</u>	<u>9.200</u>	<u>10.400</u>	<u>9.400</u>

(Dollars in Millions)

(7) Fish & Game Licenses	\$6.800	\$6.800	\$6.900	\$6.900
(8) <u>Miscellaneous</u>	<u>1.400</u>	<u>1.400</u>	<u>1.400</u>	<u>1.400</u>
(9) <u>TOTAL FISH &amp; GAME FUNDS</u>	<u>\$8.200</u>	<u>\$8.200</u>	<u>\$8.300</u>	<u>\$8.300</u>

Rep. Alukonis spoke in favor and yielded to questions.

Adopted.

**LAID ON THE TABLE**Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal years 2000 and 2001, be laid on the table.

Adopted.

**ENROLLED BILL AMENDMENTS****HB 1258**, relative to invasive plant, insect, and fungal species.**Amendment (4134-EBA)**

Amend RSA 430:53, III as inserted by section 1 of the bill by replacing line 3 with the following: health of native species, to the environment, to commercial agricultural or forest crop production, or to

Amend RSA 430:54, I(g) as inserted by section 1 of the bill by replacing line 2 with the following: council who shall each serve for a term of 3 years. One shall represent horticultural interests, Adopted.

**HB 1502**, relative to lead paint abatement.**Amendment (4133-EBA)**

Amend RSA 130-A:1, XVI-b as inserted by section 2 of the bill by replacing line 2 with the following:

in HE-P 1602.44, develops lead hazard reduction plans, as defined in paragraph XVI-a, and issues Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 51, 279, 1110, 1172, 1175, 1234, 1235, 1256, 1311, 1326, 1337 and 1416 and Senate Bill 381.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RESOLUTION**Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 20, 2000 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage****HR 50**, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and/or any other justice of the New Hampshire supreme court.**HB 1521-FN-L**, relative to the definition and administration of an adequate education.**SB 319**, relative to interstate school districts.

**SB 352**, repealing the equipment challenge grant program within the New Hampshire community-technical colleges.

**SB 313**, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families.

**SB 377**, relative to peer support programs within the department of health and human services.

**HB 1627**, relative to the exchange of certain land in the town of Rindge.

**HJR 26**, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

**SCR 4**, urging the federal government to establish a new zip code for the town of Madbury.

### UNANIMOUS CONSENT

Reps. Vaillancourt and Kennedy addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of Senate bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 4:37 p.m.

### RECESS

(Rep. Patten in the Chair)

### RESOLUTION

Rep. Turner offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Concurrent Resolution 7 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF SCR

#### First, second reading and referral

**SCR 7**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (State-Federal Relations and Veterans Affairs)

### SENATE MESSAGES

#### CONCURRENCE

**HB 1127**, establishing a committee to study the application and appeal procedures for excavating and dredging permits.

**HB 1185**, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000.

**HB 1268-FN**, relative to certain vehicle registrations.

**HB 1272**, allowing school nurses to possess and administer epinephrine for certain emergency treatment.

**HB 1334-L**, relative to posting municipal roads.

**HB 1368-FN**, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials.

**HB 1405**, exempting 50/50 raffles from the laws regulating games of chance.

### NONCONCURRENCE

**HJR 25**, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire.

### RECESS

(Rep. Mercer in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 305-A**, relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey and increasing a capital appropriation to the department of safety.

**Amendment (4175-EBA)**

Amend section 3 of the bill by replacing lines 3 and 4 with the following:

Total state appropriation paragraph II	[ <del>\$1,194,000</del> ]	<b>\$1,794,000</b>
Total state appropriation section 4	[ <del>\$8,819,000</del> ]	<b>\$9,419,000</b>

Amend section 4 of the bill by replacing it with the following:

4 Bonds Authorized Increased. Amend 1999, 226:8 to read as follows:  
Adopted.

**HB 1161**, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws.

**Amendment (4147-EBA)**

Amend paragraph III of section 4 of the bill by replacing line 1 with the following:

III. Legislative members of the committee shall receive mileage at the legislative rate when attending to  
Adopted.

**HB 1334-L**, relative to posting municipal roads.

**Amendment (4174-EBA)**

Amend section 2 of the bill by replacing line 4 with the following:

VII. The governing body of a municipality which establishes maximum weight limits more  
Adopted.

**HB 1405**, exempting 50/50 raffles from the laws regulating games of chance.

**Amendment (4146-EBA)**

Amend section 2 of the bill by replacing line 1 with the following:

2 Games of Chance; Definition of Games of Chance Amended. Amend RSA 287-D:1, II to read as follows:  
Adopted.

**HB 1583**, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics.

**Amendment (4151-EBA)**

Amend RSA 313-A:2, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. Each public member shall be a person who is not, and never was, a member of the  
Adopted.

**SB 313**, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. (Amendment printed SJ 4/20/00)  
Adopted.

**RECESS****(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 14

Thursday, April 20, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Liberating and Life-giving Creator, during these holy days of our earthly calendar, we give You thanks for our blessings too numerous to count, for our beautiful New Hampshire, and for the exhilarating joy and demands of participating in a healthy democracy. We ask Your blessing upon the deliberations and actions of this the, "peoples' House," so that in all that is accomplished today Your Spirit of urgency, which has beckoned our ancestors to freedom and our foreparents to the home of life beyond all darkness, may uphold and sustain each and every citizen of our beloved home. Amen.

Rep. Flanagan led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, Mikowski, Ronald Nowe, Perkins, Searles and Withee, the day, illness.

Reps. Blanchard, Estabrook, Ginsburg, Ham, Lent, Lundborn, Martin, Mears, Nolan-Piteri, O'Keefe, Robertson, Rogers, Salatiello, Thulander, Torressen and Weber, the day, important business.

Reps. Copenhaver and Rubin, the day, illness in the family.

### INTRODUCTION OF GUESTS

John, Nancy, Kevin and Sheri Brisebois, Lov, Karen and Michael Monfreda, Bobby Comer and Lindsay Howard, guests of Rep. Thomas. Rev. Keta Jones, Mary Jane Marsden, Connie Varnum and Dr. Helen Johnston, guests of Rep. Riley. Daniel Weeks, Marisa Westheimer and Jamie Richardson, guests of Rep. Garrish. David Sullivan and Dave Sullivan, son and husband of Rep. Sullivan. Jean, and John Lane, Arlene Johnson, June Bell, Perry and Evelyn Richardson, Robert Grant, Robert and Joann Bailey, Dr. George Rogers and Ginny Rogers, guests of Rep. Robert Johnson. Theresa, Sue and Jake Clesson Blaisdell and Ralph Wanlass, wife, mother, son and father-in-law of Rep. Blaisdell. Senor Jose Ordonez, guest of Reps. Rodd and Dickinson. Doris Haddock, known as "Granny D", guest of Reps. Avery and Burnham.

### SPECIAL GUESTS

The Coe-Brown Northwood Academy Girls' Class I Champion Varsity Basketball Team, guests of the House.

Don Winn, Chris Mazzone, Art Mclean, Gary Frost, David Parker, Michael Goodwin, Mario Pena and Aaron Lopez, representatives of the New Hampshire Alliance of Boys' and Girls' Clubs, guests of the House.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1212**, relative to extending the reporting date of the open adoption study committee. (Amendment printed SJ 4/6/00)

Rep. Dowling moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Lyman, Gile, Arnold and Bickford.

#### COMMITTEE OF CONFERENCE REPORT ON SB 186

Committee of Conference Report on SB 186-FN, an act relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Definition Added; Spousal Acknowledgment. Amend RSA 100-A:1 by inserting after paragraph XXX the following new paragraph:

XXXI. "Spousal acknowledgment" means a written recognition, signed by a member's spouse, of the benefit payment plan selected by the member under the provisions of RSA 100-A:5, RSA 100-A:6, RSA 100-A:10, or RSA 100-A:19-a - 19-h that is filed with the retirement system on a form prescribed by the board of trustees at the time of retirement and when the member elects a change in benefit payment as allowed under RSA 100-A:13.

2 Service Retirement; Group II; Minimum Allowance Increased. Amend RSA 100-A:5, II (c) (1) to read as follows:

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on ~~[a full service retirement allowance]~~ *or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service* shall receive a minimum *annual* service retirement allowance of ~~[\$5,200]~~ *\$10,000*. ~~[In comparing the minimum service retirement allowance and the full service retirement allowance, the full service retirement allowance shall be the sum of the basic allowance plus COLA's. The provisions of this subparagraph shall not apply to a group II member who has retired on a reduced or on a vested deferred retirement allowance. In the case of a group II member who has retired on a full service retirement allowance, and who]~~ *If such group II member* has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the ~~[\$5,200 which shall be based upon the optional allowance which the surviving spouse is receiving. Under no circumstances shall the provisions of this subparagraph be construed to reduce the retirement benefits being paid to a group II member as of the effective date of this subparagraph]~~ *\$10,000*.

3 Optional Allowances; Spousal Acknowledgement of Election. Amend RSA 100-A:13, I to read as follows:

I. Any member who has reached service retirement age as provided in RSA 100-A:5, I(a), or II(a), or RSA 100-A:19-b, or any retiree within 120 days after the effective date of retirement, may elect to receive, instead of the retirement allowance otherwise payable, a retirement allowance of equivalent actuarial value under one of the options named in paragraph III, or to redesignate any such option previously elected. When the member elects to receive an optional retirement allowance under paragraph III, the beneficiary or beneficiaries whom the member nominates may include the member's spouse and/or children. The notice of *non-election*, election, or change of retirement option shall be on a form designated by the board, *which, if the member is married, shall include a spousal acknowledgment*. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election or change of option if made during the 120-day grace period. When an election or change of option is made during the 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree. After expiration of the 120-day grace period no change in option selection shall be permitted except as provided in paragraph II. If a retiree dies after filing notice of election or change of option during the 120-day grace period but before the effective date, the election or change shall be effective as of the date of death. If a member dies after filing an election for a survivorship retirement option and before the effective date of retirement, whether or not the member has filed for retirement, the beneficiary who was nominated by the member in the election of the option may elect to receive either the optional survivor benefit which the member had elected or the ordinary death benefit provided under RSA 100-A:9, whichever is more advantageous to the beneficiary; provided that, in the case of the member's death before retirement, if the beneficiary named in the survivorship option election is not the same person as the beneficiary under RSA 100-A:9, then the death benefit under RSA 100-A:9, II, and not the survivorship option shall apply.

4 New Section; Supplemental Allowances for Certain Retired Group II Members. Amend RSA 100-A by inserting after section 41-a the following new section:

**100-A:41-b Supplemental Allowances for Certain Retired Group II Members.**

I. An eligible retired group II member of the New Hampshire retirement system whose annual retirement allowance is less than an amount specified in paragraph II and who retired on or before June 30, 1998, shall receive a one-time supplemental allowance. An eligible retired group II member shall be a member, or beneficiary of such member, who retired with at least 20 years of creditable service under RSA 100-A:5, II, or member, or beneficiary of such member, who retired under RSA 100-A:6, II.

II. The one-time supplemental retirement allowance payable to the member shall be the percentage of the member's annual retirement allowance as follows:

(a) Annual retirement allowance less than \$9,300, the applicable percentage to reach a \$10,000 annual retirement allowance;

(b) Annual retirement allowance greater than or equal to \$9,300 and less than \$11,700, 7 ½ percent;

(c) Annual retirement allowance greater than or equal to \$11,700 and less than \$13,700, 5 ½ percent;

(d) Annual retirement allowance greater than or equal to \$13,700 and less than \$15,700, 4 percent;

(e) Annual retirement allowance greater than or equal to \$15,700 and less than or equal to \$17,700, 3 percent.

III. The one-time supplemental retirement allowance payable to each beneficiary of the member shall be determined as described in paragraph II except the specified amounts of \$9,300, \$10,000, \$11,700, \$13,700, \$15,700, and \$17,700 shall be multiplied by the ratio of the beneficiary's annual retirement allowance to the member's annual retirement. The provisions of this section shall not apply to a group II member who has retired on a reduced or vested deferred retirement allowance. The additional allowance shall become a permanent addition to each member or beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

5 Funding of Supplemental Allowances. The total actuarial cost of the additional allowances provided in RSA 100-A:41-b as inserted by section 4 of this act shall be funded on a terminal basis from the special account established in RSA 100-A:16, II(h).

6 Repeal. RSA 100-A:5, II(c)(2) and (3), relative to the reduction in minimum service retirement allowance due to federal social security benefits or other benefits, are repealed.

7 Applicability. The changes to retirement system benefit amounts in sections 2 and 4 of this act shall apply as of the effective date of this act, but payment of the benefit amounts accruing to any member or beneficiary as of the effective date may be delayed by the retirement system until such time as necessary administrative and system upgrades are accomplished provided such payment is by September 30, 2000.

8 Effective Date. This act shall take effect upon its passage.

Conferees: Sens. J. King, Dist. 18; F. King, Dist. 1 and Wheeler, Dist. 21

Conferees: Reps. Dyer, Hills. 8; Holbrook, Belk. 7; Mercer, Hills. 27 and Lynch, Ches. 19

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 320**, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000, removed by Rep. Christiansen.

**SB 416-FN**, relative to licensure of dietitians, removed by Rep. Stickney.

Consent Calendar adopted by the necessary two-thirds.

**SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Ruth Ginsburg for Children and Family Law: This bill permits the denial, revocation or suspension of child care licenses, permits or registrations for felony convictions deemed directly or indirectly harmful to children in child day care. Vote 14-0.



**Amendment (4010h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to denial, revocation or suspension of a child care provider license, permit or registration for certain felony convictions.

Amend the bill by replacing section 1 with the following:

I Denial, Revocation or Suspension of Child Care Licenses, Permits or Registrations for Felony Convictions. Amend RSA 170-E:7, IV to read as follows:

IV. If any individual whose name has been submitted for this check has been convicted of a *felony offense deemed directly or indirectly harmful to children in child day care*, crimes against minors or adults, except crimes as provided in paragraph III, or is the subject of a founded complaint of child abuse or neglect, the department may deny, revoke, or suspend a license, permit, or registration pending the development and implementation of a corrective action plan approved by the department. In addition, the department may, upon a finding of criminal activity or a founded complaint of child abuse or neglect as described in this paragraph, withhold state funding to registered child day care providers that are exempt from the licensing requirements of RSA 170-E:4 pending the development and implementation of a corrective action plan approved by the department. The department shall conduct an investigation in accordance with rules adopted under this subdivision to determine whether the individual poses a present threat to the safety of children. The investigation shall include an opportunity for the individual to present evidence on his behalf to show that the individual does not pose a threat to the safety of children.

**AMENDED ANALYSIS**

This bill requires denial, revocation or suspension of child care licenses, permits or registrations for felony convictions deemed directly or indirectly harmful to children in child day care.

**SB 448**, establishing a guardians ad litem board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Dowling for Children and Family Law: After a great deal of discussion concerning some possible deficiencies with the lack of rules or regulations in regard to guardians ad litem, a subcommittee was established to begin the process of establishing a special board which would oversee the process of training, teaching and measuring the guardians ad litem field be they court approved or volunteers from CASA. This new board would allow oversight of the procedures enforced to protect the children and their guardians. Vote 13-0.

**Amendment (4089h)**

Amend section 1 of the bill by inserting after RSA 463:36 the following:

463:37 Court Appointed Special Advocates. Court Appointed Special Advocates (CASA) of New Hampshire shall be accountable to the guardian ad litem board for complying with the training requirements established by the board under RSA 463:36, and for the actions of its volunteer members who are appointed by the court as guardians ad litem in child abuse and neglect cases. Referred to Finance.

**SB 394-FN**, making miscellaneous changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill makes several technical corrections to the insurance laws and was requested by the insurance department. The amendment relates to rules relative to insurance regulations and grants exemptions under RSA 541-A. This exemption will allow reference to National Association of Insurance Commissioners national formats that contain formulas, tables and forms that are industry specific and date sensitive. It is not the intention of the committee for the department to avoid the ratemaking process for NAIC models, but only to exempt those models from the drafting and procedures manual requirements. Vote 12-0.

**Amendment (4114h)**

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Rulemaking. Amend RSA 541-A:21 by inserting after paragraph V the following new paragraph:

VI. Rules adopted under Title XXXVII, relative to insurance regulation, shall be exempt from the uniform system of numbering and drafting rules required by RSA 541-A:8. These rules shall be in compliance with RSA 541-A:7 if the wording is consistent with the language of the corresponding National Association of Insurance Commissioners regulations.



## AMENDED ANALYSIS

This bill:

- (1) Makes a technical correction to the law regulating foreign insurance companies.
  - (2) Clarifies the procedure pertaining to books, records, and other documents when an insurance company is undergoing examination.
  - (3) Changes the appeal procedure for persons aggrieved under RSA 401-B.
  - (4) Creates an exemption from certain provisions of RSA 541-A for certain insurance regulations.
  - (5) Adjusts the salary of the health care statistician.
- This bill was requested by the insurance department.

**HCR 35**, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. **OUGHT TO PASS**

Rep. Leighton C. Pratt for Environment and Agriculture: The New Hampshire Apple Producers of cider has a safe product and are following the Department of Agriculture Markets and Foods guidelines. Thus, this resolution requests the USFDA to defer its proposed rules requiring pasteurization. There has NEVER been an incidence of illness from non-pasteurized New Hampshire cider in 200 years of cider production. Vote 16-0.

**SB 407-FN-L**, relative to dog licensure. **OUGHT TO PASS**

Rep. David L. Babson for Environment and Agriculture: This bill adds the words "failed to license" to the statute. This closes a loophole which allowed people who had not licensed their dogs to ultimately avoid penalties. Vote 15-0.

**SB 443-FN**, relative to veterinarian reimbursement for the animal population control program. **OUGHT TO PASS**

Rep. David L. Babson for Environment and Agriculture: This bill allows veterinarians who participate in the Pet Over Population Neutering Program to be paid for presurgical exams. In the past, the veterinarians absorbed the cost of the exam as well as discounting the cost of their procedures by 20%. The Committee felt that this is an unjust, additional financial burden for those who participate in the program and that it is time to compensate them for their additional costs. Vote 16-0.

**SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. **OUGHT TO PASS WITH AMENDMENT**

Rep. Carolyn A. Virtue for Executive Departments and Administration: This bill, as amended, will allow certain state employees to take paid leave to participate in disaster relief service work. Training and expenses for participating employees will be provided for by the American Red Cross. The leave will be granted only with the approval of the employee's supervisor and any other person authorized to approve leave, according to the existing leave procedures. Forty other states have passed similar legislation and as no one state has the human resources to adequately respond to a disaster, it is important for New Hampshire to participate and reciprocate. The amendment changes the effective date to July 1, 2000 and the disaster designation to level III according to the American Red Cross procedure and regulations. Vote: 17-2.

### Amendment (3879h)

Amend RSA 94:3-c, 1(b) as inserted by section 2 of the bill by replacing it with the following:

(b) The disaster is designated as level III or above according to the American National Red Cross regulations and procedures.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2000.

Referred to Finance.

**SB 372**, relative to certain engineering businesses. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill as amended allows an individual firm that has legally been in business for many years with the words "Engineer or Engineering" in its business name and was registered with the Secretary of State prior to January 1, 1999 to continue to do business under the same name, notwithstanding the 1998 rule change. Vote 13-1.

**Amendment (3430h)**

Amend RSA 310-A:20, V as inserted by section 1 of the bill by replacing it with the following:

V. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name or which includes the practice of engineering among the objects for which it is established unless the board shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates of registration or authorization issued under the provisions of this subdivision, a copy of which shall likewise have been presented to the secretary of state. *However, the requirements of this subdivision shall not apply to any business formed and registered with the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name, and which does not perform or require the services of a professional engineer.*

**AMENDED ANALYSIS**

This bill provides that the laws regulating engineering shall not apply to any business formed and registered with the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name, and which does not perform or require the services of a professional engineer.

**SB 389-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill adds 2 more years to those eligible for the post retirement medical benefit. The bill will provide medical benefits to those injured in the line of duty who became permanent policemen or permanent firemen before July 1, 2000. This will be a one-time cost to the respective special accounts of the police and fire members. The actuary indicates that the cost will be \$8.32 million for the police component, and \$2.81 million for the fire component. The actuary states that there are sufficient funds in each of the special accounts for this bill. The committee removed the senate amendment to provide benefits to those that die before submitting their papers for retirement. The actuary indicated that this would cause an increase in the employers' contribution rate. This increase was an unintended consequence of the amendment. Additional work must be done on this subject matter before it is ready for final consideration by the house and senate. Vote 17-0.

**Amendment (4015h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to medical benefits for group II members of the retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 New Hampshire Retirement System; Medical Benefits; Application. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, [1995] 1997; to persons who prior to July 1, 1988, had completed no less than 20 years of group II creditable service, but who for reasons other than retirement or death ceased to be a group II member prior to attaining the age of 45, and who, as of July 1, 1993, are eligible for vested deferred retirement benefits; and to persons who are group II permanent policemen or permanent firemen members on disability retirement as the natural and proximate result of injuries suffered while in the performance of duty who become permanent policemen members of group II after June 30, 1988, but before July 1, [1995] 2000 or permanent firemen members of group II after June 30, 1988, but before July 1, [1995] 2000. Such additional benefits shall not apply to other persons who become members of group II after June 30, [1995] 2000, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

2 Effective Date. This act shall take effect July 1, 2000.

## AMENDED ANALYSIS

This bill updates the year of eligibility of active and retired group II members for the payment of medical benefits costs by the retirement system.  
Referred to Finance.

**SB 390-FN**, relative to vested deferred retirement benefits for group II members. **OUGHT TO PASS**  
Rep. Robert C. Batchelder for Executive Departments and Administration: SB 390-FN makes a technical correction in RSA 100-A:10 that will permit certain fire and police members of the New Hampshire Retirement System, who have earned a vested deferred retirement benefit by virtue of ten years of service, to begin collecting that benefit at the age of 60. Without this correction, a quirk in current law requires some members, even though vested, to wait several years after age 60 before beginning to draw the benefit they have earned. The New Hampshire Retirement System has determined that this correction will have no negative fiscal impact on the system since it assumed in its original actuarial calculations that members entitled to a vested benefit will begin drawing their allowance at age 60. Vote 12-0.

**SB 414-FN**, reorganizing the divisions of the department of corrections. **REFER FOR INTERIM STUDY**

Rep. Michael O'Neil for Executive Departments and Administration: In light of the recent appointment of a new commissioner for the Department of Corrections, the committee felt it would be appropriate to hold off on any reorganizational structure and allow the newly appointed commissioner time to acquaint himself with the current correctional operations. The interim study will also allow the Executive Department and Administrative Committee to work with the Criminal Justice and Public Safety Committee who has similar legislation scheduled for interim study. Vote 17-0.

**SB 415-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert C. Batchelder for Executive Departments and Administration: This bill provides that retired non-teacher employees of the state's political subdivisions (counties, cities, towns and school districts) who are members of the New Hampshire Retirement System shall, when they retire, be eligible to receive a subsidy toward paying for continuing health care insurance for themselves and their dependents. This will put these employees on the same footing as retired teachers, policemen and firemen who already receive this benefit. There will be no additional cost to the state or to the political subdivisions, since the benefit will be paid out of the New Hampshire Retirement Special Account. (\$36.4 million for non-teacher employees and \$16.8 million for teachers.) If the cost of the insurance is higher than the maximum subsidy paid by the retirement system under this legislation, the retiree is required to pay the difference. Vote 19-0.

**Amendment (4091h)**

Amend the bill by replacing section 8 with the following:

**8 Funding.**

I. The sum of \$34,817,000 is hereby transferred from the group I employee special account balance existing on June 30, 2000 for the purpose of funding RSA 100-A:52-a and RSA 100-A:53-c as inserted by this act.

II. The sum of \$14,742,000 is hereby transferred from the group I teacher special account balance existing on June 30, 2000 for the purpose of funding RSA 100-A:52-a as inserted by this act.  
Referred to Finance.

**SB 417-FN-L**, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits. **OUGHT TO PASS**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will allow a beneficiary to voluntarily renounce his or her right to a benefit provided by the retirees elected retirement benefit option. This must be voluntary and requested on a form designated by the board of trustees. The actuary determines that there will be no impact on state or local funds and will be cost neutral to the retirement system. Vote 12-2.

**HB 735-FN-A**, establishing a contributory judicial retirement plan. **REFER FOR INTERIM STUDY**

Rep. Joseph E. Stone for Finance: This recommendation of the subcommittee studying this bill was based on a question of time and fairness. It was felt there was not sufficient time left to do a com-



prehensive study and furthermore, due to the current turmoil existing in the Supreme Court, it was felt it would not be fair to conduct further hearings which required one of the Justices to be present, until a future date when full attention could be again given to this important matter. Vote 25-0.

**HB 1628-FN-A-L**, establishing a reformed public school financing system for ensuring educational adequacy for all children, establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**  
Rep. O. Alan Thulander for Finance: After a full public hearing and further investigation by the sponsors, it became apparent that the bill was no longer needed and they requested that the bill be found Inexpedient to Legislate. Vote 25-0.

**SB 322**, extending the needle exchange pilot program. **OUGHT TO PASS**  
Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: This bill extends the needle exchange pilot program for four years in one community with the Commissioner of the Department of Health and Human Services directed to establish guidelines and to monitor the pilot program with the assistance of an advisory committee. The free exchange of new syringes and hypodermic needles for used hypodermic needles, is a means to prevent the transmission of Human Immunodeficiency Virus (HIV), among intravenous drug users. Any individual who either administers or participates in the needle exchange program established under this act, shall be immune from prosecution for violating RSA 318:52. The overwhelming majority of the committee was in agreement that this program needs an extension to make this worthwhile program a success, needed by the public. Vote 15-1.

**SB 324**, relative to personal care services and providers. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This legislation allows certain individuals and families the option of receiving personal care services from either a home health agency or from another qualified community agency. With passage of this landmark bill, individuals requiring personal care services will have a variety of these services to choose from, subject to federal and state laws. After extensive hearings and work by all involved, this bill will allow for consumer-directed services and offer much needed support for individuals and families in their home or chosen environment. In addition, it will help to lessen the chronic shortages of providers in this healthcare function. Vote 16-0.

#### **Amendment (4116h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Personal Care Services. Amend RSA by inserting after chapter 161-H the following new chapter:

#### **CHAPTER 161-I PERSONAL CARE SERVICES**

##### **161-I:1 Purpose.**

I. Many individuals require assistance with eating, bathing, dressing, personal hygiene, and activities of daily living to maintain their independence and dignity. Personal care services are non-medical, hands-on supports that substitute for the loss of an individual's physical or cognitive functioning.

II. Many individuals requiring personal care services and families who have children with special health care needs want to choose who delivers personal care services and how and when these services are delivered.

III. This chapter provides individuals and families with the option of receiving personal care services, including consumer-directed services, from a home health agency or other qualified agency.

##### **161-I:2 Definitions. In this chapter:**

I. "Commissioner" means the commissioner of the department of health and human services.  
II. "Consumer-directed services" means personal care services under which the eligible consumer or his or her representative is responsible for:

- (a) Participating in the development of the eligible consumer's service plan;
- (b) Selecting the eligible consumer's personal care services provider;
- (c) Setting the terms and conditions of work;
- (d) Training, supervising, and evaluating the personal care services provider; and
- (e) Terminating his or her relationship with the personal care services provider.



III. "Department" means the department of health and human services.

IV. "Eligible consumer" means a person eligible for department programs that authorize personal care services.

V. "Eligible setting" means a home, apartment, residential facility, day program, or other community setting, but does not include a hospital, nursing facility, or other institutional setting.

VI. "Home health agency" means a home health care provider licensed under RSA 151.

VII. "Intermediary services" means an array of fiscal and supportive services to facilitate the delivery of consumer-directed services. Such services shall include:

(a) Fiscal intermediary services, including but not limited to:

- (1) Computing of tax withholdings.
- (2) Filing and depositing employment taxes.
- (3) Preparing and disbursing payroll checks.
- (4) Collecting and verifying worker timesheets.
- (5) Processing and paying non-labor related invoices.
- (6) Processing criminal background checks on prospective workers.
- (7) Overseeing the verification of workers' citizenship/legal alien status.
- (8) Generating standardized reports depending on program design.

(b) Supportive services, including but not limited to:

- (1) Skills and advocacy training for the eligible consumer or representative.
- (2) Assistance with recruiting, screening, hiring, and training personal care services providers.

(3) Creating and maintaining work registries.

(4) Assessing and reassessing service needs.

(5) Counseling and support.

(6) Monitoring consumer satisfaction.

VIII. "Legally responsible relative" means a parent of a minor child or a spouse.

IX. "Other qualified agency" means those entities authorized to offer personal care services and/or intermediary services by the department in accordance with rules adopted pursuant to RSA 541-A.

X. "Plan of care" means a state-authorized guide to the provision of services to an eligible consumer.

XI. "Personal care services" means services furnished by a personal care services provider that assist an eligible consumer in maintaining himself or herself in an eligible setting. Such services may include, but are not limited to, basic personal care and grooming, assistance with basic toileting and toileting hygiene measures, assistance with oral and topical medications, assistance with nutrition, including meal preparation, and essential household services.

XII. "Personal care services provider" means a person who:

(a) Is selected by:

- (1) The eligible consumer;
- (2) The eligible consumer's legal guardian;
- (3) The eligible consumer's representative; or
- (4) A person granted power of attorney by the eligible consumer; and

(b) Is employed by a home health agency or other qualified agency to provide personal care services; and

(c) Is not:

- (1) The eligible consumer's legally responsible relative;
- (2) The eligible consumer's legal guardian;
- (3) The eligible consumer's representative; or
- (4) A person granted power of attorney by the eligible consumer.

XIII. "Representative" means a person:

(a) Chosen by:

- (1) The eligible consumer;
- (2) The eligible consumer's legal guardian; or
- (3) A person granted power of attorney by the eligible consumer; and

(b) Deemed appropriate by the department to act on behalf of the eligible consumer; and

(c) Who:

(1) Is not the personal care services provider; and

(2) Does not have a financial relationship with a home health agency or other qualified agency providing intermediary services to the eligible consumer.

161-I:3 Consumer Choice. An eligible consumer in need of personal care services shall have the option to receive personal care services, including consumer-directed services, through a home health agency or other qualified agency. An individual not eligible for department programs shall have the option to receive personal care services, including consumer-directed services, through a home health care provider or other facility licensed under RSA 151, or through a private arrangement between individuals. Such choice shall be subject to those limitations imposed by federal and state laws, rules, and regulations.

161-I:4 Department Responsibilities.

I. The department shall develop personal care services for department programs that authorize personal care services. Eligible consumers shall be afforded the option to receive their personal care services through a home health agency or other qualified agency and/or a consumer-directed services program.

II. The department shall develop a process for allowing a representative to act on the behalf of an eligible consumer.

III. The department shall develop intermediary services for eligible consumers using consumer-directed services.

IV. Coverage of personal care services under department programs shall be subject to the availability of appropriated funds.

V. Nothing in this section shall be construed to change the personal care program for the severely disabled as set forth in RSA 161-E.

161-I:5 Personal Care Services Provider Training. Any personal care services provider serving an eligible consumer shall be required to undergo training as required by rule, pursuant to RSA 541-A.

161-I:6 Plans of Care and Service Delivery Oversight. All eligible consumers shall have a plan of care that details the provision of personal care services. The delivery of personal care services, as outlined in the plan of care, to an eligible consumer shall be monitored by a case manager either employed or contracted by the department. Should the delivery of personal care services to an eligible consumer necessitate specialized oversight, this shall be outlined in the plan of care and such oversight of the personal care services provider shall be arranged by the case manager.

161-I:7 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Criteria for approving home health or other qualified agencies to offer personal care services, including but not limited to:

- (a) Qualifications and training of providers.
- (b) Oversight of providers.
- (c) Service definition.
- (d) Reporting requirements.
- (e) Record-keeping.
- (f) Personnel requirements.
- (g) Care planning.
- (h) Service delivery oversight.
- (i) Scope of service.
- (j) Quality assurance measures.
- (k) Structure of the business entity.

II. The provision of personal care services by personal care services providers, including the provision of consumer-directed personal care services.

III. The provision of intermediary services by a home health agency or other qualified agency to facilitate the delivery of consumer-directed personal care services.

IV. The use of a representative in consumer-directed services.

V. Guidelines for state-authorized plans of care.

2 Continued Authorization; Rules. Notwithstanding the repeal by section 3 of this act, the authority for home health care providers to provide personal care services under rules adopted pursuant to RSA 326-B:17, X shall continue until the effective date of rules adopted pursuant to RSA 161-I:7 and RSA 151:9-a.

3 Repeal. RSA 326-B:17, X, relative to personal care services is repealed.

4 Residential Care and Health Facility Licensing; Home Health Care Provider. Amend RSA 151:2-b, III to read as follows:

**III. *Home health care providers that provide only personal care services and no other health care services as listed in paragraph I of this section shall be issued a license limiting their services to personal care services.***

**IV.** "Home health care provider" does not include any organization or agency providing only services pursuant to the provisions of Title III, Part C, of the Older Americans Act: ***authorized by the department of health and human services pursuant to RSA 161-I***; operating only a nutrition program under a federal social services block grant, or under the auspices of a private charity; or volunteer hospices that do not provide, directly or through contract arrangements, home health care services as defined in RSA 151:2-b, I.

5 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill allows certain individuals and families of these individuals the option of receiving personal care services, including consumer-directed services, from a home health agency or other qualified agency. This bill also gives the commissioner of health and human services rulemaking authority relative to requirements for the use of consumer-directed services for department programs and the provision of personal care services.

This bill is a request of the department of health and human services.  
Referred to Finance.

**SB 456**, relative to testing newborns for deafness. **OUGHT TO PASS**

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill requires the Commissioner of the Department of Health and Human Services to develop standards for testing newborns for deafness and to make a report with recommendations to the legislature and Governor. These standards are needed as hospital after hospital in New Hampshire institutes varying testing programs. Vote 15-0.

**SB 327**, relative to responsibility of the employee and perjury under workers' compensation. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill adds the crime of perjury under RSA 641:1 as a potential penalty for the false statement or representation by any party in a workers compensation claim. Vote 16-0.

### Amendment (4118h)

Amend RSA 281-A:53-a, III as inserted by section 1 of the bill by replacing it with the following:

**III.** In the event that the employee fails to return a completed form within 30 days of the carrier or self-insured's request, the carrier or self-insured may send a notice of intent to suspend compensation benefits to the employee and to the commissioner. If within 15 days of such notice the carrier, self-insured, or the commissioner has not received a completed form, the carrier or self-insured may petition the commissioner to suspend compensation benefits until such time as the form is filed. Upon receipt of a petition to suspend compensation, the commissioner may order compensation payments suspended until such time as the employee files the form. Upon receipt of the form, benefits shall be paid retroactive to the date of suspension.

Amend the bill by replacing section 2 with the following:

2 Perjury Added. Amend RSA 281-A:56 to read as follows:

281-A:56 Penalty for False Representation.

I. A person who makes a false statement or representation for the purpose of obtaining any benefit or payment under this chapter, whether for himself or herself or for any other person, and who does not believe the statement or representation to be true, shall be subject to prosecution and punishment for false swearing under RSA 641:2, [or] unsworn falsification under RSA 641:3, **or perjury under RSA 641:1**, as the case may be, and, upon conviction, the court may order forfeit all of the person's rights to the compensation sought. In addition to any other remedy, the employer or insurance carrier providing the benefit or payment shall be entitled to restitution as authorized in RSA 651:63.

II. An employer or insurance carrier, or any employee, agent, or person acting on behalf of an employer or insurance carrier, who makes a false statement or representation in the course of re-



porting, investigating or adjusting a claim for any benefit or payment under this chapter and who does not believe the statement or representation to be true shall be subject to prosecution and punishment for false swearing under RSA 641:2, [or] unsworn falsification under RSA 641:3, *or perjury under RSA 641:1*, as the case may be.

**SB 364**, relative to benefits for permanent bodily losses under workers' compensation. **OUGHT TO PASS**

Rep. Rebecca C. Hutchinson for Labor, Industrial and Rehabilitative Services: This bill requires that the balance of an unpaid weekly scheduled permanent impairment award under workers' compensation be paid to the estate of the employee in the event of the employee's death. Vote 17-1.

**SB 402-FN**, relative to employee reimbursement for work-related expenses. **OUGHT TO PASS WITH AMENDMENT**

Rep. John M. Whittier for Labor, Industrial and Rehabilitative Services: This bill provides that an employee who incurs expenses in connection with his or her employment and at the request of his employer shall be reimbursed within 30 days. Vote 15-0.

#### **Amendment (3853h)**

Amend RSA 275: 57, I as inserted by section 1 of the bill by replacing it with the following:

I. An employee who incurs expenses in connection with his or her employment and at the request of the employer, except those expenses normally borne by the employee as a precondition of employment, which are not paid for by wages, cash advance, or other means from the employer, shall be reimbursed for the payment of the expenses within 30 days of the presentation by the employee of proof of payment.

**SB 442-FN**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. **REFER FOR INTERIM STUDY**

Rep. Philip J. McColgan, Jr. for Labor, Industrial and Rehabilitative Services: Establishing an equipment depository and disabled person's employment fund in the department of administrative services would set a good example of non-discrimination in state employment but questions about interpreters and political subdivisions will require further study. Vote 14-1.

**SB 387-FN-L**, relative to proposed toll booths in the city of Nashua and relative to alternatives to the statewide toll booth system. **REFER FOR INTERIM STUDY**

Rep. Candace W. Bouchard for Public Works and Highways: The committee is very sensitive to the issue of adding toll booths to the turnpike system. With House Bill 1485 already in study at the Finance Committee, the Public Works & Highway Committee felt this bill should be furthered studied. Vote 18-0.

**SB 370**, relative to reflectors on bicycle pedals. **OUGHT TO PASS**

Rep. George A. LaPorte for Transportation: This bill helps fill a hole concerning clipless bicycle pedals that do not have reflectors mounted on them as other bicycle pedals have. Vote 12-0.

**SB 399-FN-A**, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. **OUGHT TO PASS**

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill appropriates one dollar for crop damage done by wildlife. It preserves the line item in the budget so that when an appropriation of state funds is possible the state will assume financial responsibility of crop damage and Fish and Game will distribute the funds according to rules. Vote 12-0.

Referred to Finance.

#### **CLERK'S NOTE**

The Constitutionally required two-thirds of the membership was declared present.

#### **REGULAR CALENDAR**

#### **SUSPENSION OF RULES**

Reps. Chandler and Burling moved that the Rules be suspended as to permit reporting, consideration and referral to and reporting from a second committee after the deadline on **HB 1469**, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency.

Adopted by the necessary two-thirds.



**HB 1469**, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Barbara Hull Richardson for Children and Family Law: The bill provides that responsibility for juvenile services and juvenile program, probation, and parole officers, formerly known as juvenile service officers, shall be transferred from the department of health and human services to the department of youth development services and makes an appropriation for these purposes. This bill also establishes a Board of Trustees within the department of youth development services to make recommendations to the commissioner relative to programs and services. Vote 10-3.

### **Amendment (4097h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the organization of the juvenile justice system in New Hampshire and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Youth Development Services; Powers and Duties of Commissioner Amended. RSA 621-A:4, III is repealed and reenacted to read as follows:

III. The commissioner shall engage an administrator who shall be a full-time classified employee who shall be responsible for all placements of juveniles involving the youth development center pursuant to RSA 621, the youth services center pursuant to RSA 621-A:5, and group home, crisis home, or shelter care facility placements pursuant to RSA 169-B or RSA 169-D.

2 New Paragraph; Department of Youth Development Services; Powers and Duties of Commissioner Amended. Amend RSA 621-A:4 by inserting after section V the following new paragraph:

VI. The commissioner shall provide, through juvenile program, probation, and parole officers, services for all children and youth referred by the district courts pursuant to RSA 169-B, RSA 169-D, and for all children who are at risk of placement with the department of youth development services in connection with proceedings under RSA 169-B, RSA 169-D, or other applicable provisions of law. The commissioner shall engage a juvenile services administrator, who shall be a full-time classified employee. The administrator shall be responsible for the administration and supervision of juvenile services as set forth in RSA 621-A:9 through RSA 621-A:11 and for the management of all juvenile program, probation, and parole officers in the department.

3 New Subdivisions; Department of Youth Development Services; Juvenile Services Officers Transferred. Amend RSA 621-A by inserting after section 8 the following new subdivisions:

#### **Juvenile Services**

621-A:9 Purpose of Juvenile Services. Establishment of field services under the direction of the juvenile services administrator within the department of youth development services for children in need of services and juvenile delinquents will support the state's continuing efforts to consolidate in one agency the field services provided to children and youth.

621-A:10 Assignment of Juvenile Program, Probation, and Parole Officers. The commissioner shall, through rules adopted pursuant to RSA 541-A, assign permanent juvenile program, probation, and parole officers to each judicial district consistent with the workload formula established by the department in consultation with the New Hampshire Judges Association.

621-A:11 Juvenile Program, Probation, and Parole Officers; Powers and Duties. Juvenile program, probation, and parole officers under the administration of the department of youth development services shall have the power and duty:

I. To serve as officers of the court and investigate at the request of any justice of the district courts which they serve, any pending case, matter, or questions, and to report the results of such investigation with recommendations to the authority which ordered the investigation.

II. To take charge of and provide supervision of juveniles, attempting to assist them in establishing law-abiding lives while monitoring their behavior through school, home, work, office, and other contacts to insure that they comply with court orders and diversion agreements.

III. To report promptly to the appropriate district court violations of court orders and conditions which are required by statute, the district court, or which, in the opinion of the officer, are serious enough to warrant consideration. Such reports shall include recommendations as to actions which the officer believes to be appropriate.

IV. To arrest and take into custody any minor who is found violating any law, or who is reasonably believed to be a fugitive from justice, or whose circumstances are such as to endanger his person or welfare, unless immediate action is taken.

V. To participate in community service activities, diversion programs, and other duties as may be assigned by the commissioner of the department of youth development services, or designee.  
Board of Trustees

621-A:12 Board of Trustees Established; Membership.

I. There is hereby established a board of trustees within the department of youth development services. The board shall act in an advisory capacity and make recommendations to the commissioner relative to programs and services provided to children referred to the department pursuant to RSA 169-B and RSA 169-D.

II. The board shall be composed of the following members:

- (a) One member from the house of representatives, appointed by the speaker of the house.
- (b) One member from the senate, appointed by the president of the senate.
- (c) The commissioner of the department of youth development services, or designee who shall be an individual with decision-making authority.
- (d) The commissioner of the department of health and human services, or designee who shall be an individual with decision-making authority.
- (e) The commissioner of the department of education, or designee.
- (f) One district or family court judge, appointed by the administrative justice of the district courts.

(g) Two human services administrators, one from an urban county and one from a rural county, appointed by the executive director or other appropriate appointing authority of the New Hampshire Association of Counties.

(h) Seven members, appointed by the governor with the advice and consent of the council, which shall include 2 members representing the interests of business and industry, 2 parents of children who have been adjudicated as delinquent or in need of services, one member of state or local law enforcement, one member representing the interests of providers of diversionary programs or services for children, and one member from the general public.

III. Members of the board of trustees shall serve without compensation provided that legislative members shall receive mileage at the legislative rate while attending to the duties of the board.

621-A:13 Terms of Office; Organization.

I. The legislative members and the members listed in RSA 621-A:12, II(c) – (f) shall serve terms which are coterminous with their terms in office. The members listed in RSA 621-A:12, II(g) shall serve for 3 years. Four of the members listed in RSA 621-A:13, II(h) shall serve for 4 years, and 3 members shall serve for 3 years.

II. Each appointed member of the board shall hold office until a successor is appointed and qualified. The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment or election in the same manner as the original appointment.

III. The board shall elect its own chairperson and officers annually. The board shall meet monthly, or as deemed necessary, provided that the board shall meet at least once every 3 months.

621-A:14 Duties of the Board. The board shall act in an advisory capacity to assist the commissioner of the department of youth development services relative to programs and services provided to children who are referred to the department. The board may also provide advice and input on fiscal and budgetary matters within the department, the availability of state and federal grants, business partnerships, and other funding sources available to the department.

4 Delinquent Children; Definitions; Reference Amended. Amend RSA 169-B:2, VII (c) to read as follows:

(c) The supervision of a juvenile ~~[services]~~ **program, probation, and parole** officer, as authorized by RSA ~~[170-G:16]~~ **621-A:11**; and

5 Children in Need of Services; Definitions; Reference Amended. Amend RSA 169-D:2, VI (c) to read as follows:

(c) The supervision of juvenile ~~[service]~~ **program, probation, and parole** officers as authorized by RSA ~~[170-G:16]~~ **621-A:11**.

6 Transition.

I. There is hereby established a transition team for the purpose of administering the transition of specific powers, duties, functions, and responsibilities between the departments of health and human services and youth development services as provided in this act. The transition team shall consider any personnel, records, property, funds, programs, and related operations, including but

not limited to, legal and administrative operations, and the functions and duties of juvenile justice specialist and jail compliance monitor, required to effect the transition of services for delinquent children under RSA 169-B and children in need of services under RSA 169-D from the department of health and human services to the department of youth development services. The transition team may solicit input and advice from individuals who are deemed to have access to information necessary to properly effect the transition.

II. The transition team shall consist of the following members:

- (a) Two members of the house of representatives, appointed by the speaker of the house.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of youth development services, or designee.
- (d) The commissioner of the department of health and human services, or designee.
- (e) The commissioner of the department of administrative services, or designee.
- (f) The director of the division of children, youth, and families, department of health and human services.
- (g) The juvenile justice administrator from the department of health and human services.
- (h) Two human services administrators, one from an urban county, and one from a rural county, appointed by the executive director or other appropriate appointing authority of the New Hampshire Association of Counties.

III. The first-named house member shall call the first meeting of the team which shall occur no later than 45 days after the effective date of this section.

7 Position Transferred.

I. All powers, duties, functions, and responsibilities, and all costs including salary and benefits associated with the position of juvenile justice administrator in the department of health and human services, are hereby transferred to the position of juvenile services administrator within the department of youth development services. Nothing in this transfer shall affect the term of employment of the existing juvenile justice administrator in the department of health and human services.

II. All powers, duties, functions, and responsibilities, and all costs including salary and benefits associated with the existing juvenile services officers positions within the department of health and human services, and all personnel employed in these positions, are hereby transferred to the department of youth development services and shall be called juvenile program, probation, and parole officers.

8 Reference Changes. Amend the following RSA provisions by replacing "department of health and human services" with "department of youth development services": RSA 169-D:4-a; 169-D:5-a; 169-D:14, III; 169-D:17, I; 169-D:18-a, I; and 169-D:29, I(a).

9 Appropriation. The sum of \$1 is hereby appropriated to the department of youth development services for the fiscal year ending June 30, 2001, for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Repeal. The following are repealed:

I. RSA 170-G:3, III, relative to the powers and duties of the commissioner of health and human services.

II. RSA 170-G:4, II-a, relative to juvenile services officers in the department of health and human services.

III. RSA 170-G:14 through 170-G:16, relative to juvenile services in the department of health and human services.

11 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill transfers functions, duties, and responsibilities for delinquent children under RSA 169-B and children in need of services under RSA 169-D from the department of health and human services to the department of youth development services. The bill also provides that responsibility for juvenile services and juvenile program, probation, and parole officers, formerly known as juvenile services officers, shall be transferred from the department of health and human services to the department of youth development services and makes an appropriation for these purposes.



Reps. Irene Pratt, Wallner and Allison spoke against.  
 Rep. Hager spoke against and yielded to questions.  
 Reps. Lionel Johnson, Arnold, Hess and Dowling spoke in favor.  
 Rep. Dowling requested a roll call; sufficiently seconded.  
 The question being the adoption of the amendment.

## YEAS 206 NAYS 142

### YEAS 206

#### BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Rice, Thomas
Rosen, Ralph	Russell, David	Thomas, John	Turner, Robert
Wendelboe, Francine			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

#### CHESHIRE

Doucette, Richard	Hunt, John	Lynott, Margaret	Manning, Joseph
Pratt, John	Richardson, Barbara	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

#### COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Mirski, Paul
Phinney, William	Picconi, Al	Scanlan, David	Ward, Brien

#### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Burkush, James	Calawa, Leon Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Coughlin, Pamela
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Franks, Suzan	Gagnon, Eugene	Goley, Jeffrey	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarthy, William
McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, Donald	



**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Leber, William  
Nichols, Avis

Asplund, Bronwyn  
Kennedy, Richard  
Lockwood, Priscilla  
Whalley, Michael

Feuerstein, Martin  
Larrabee, David Sr  
Marple, Richard

Hess, David  
Lavoie, Gerard  
Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janeen  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
Packard, Sherman  
Raynowska, Bernard  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

Beaulieu, Jon  
Clark, Vivian  
Dearborn, Bruce  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
Putnam, Ed II  
Reardon, Neil  
Stone, Joseph  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Cooney, Richard  
DiFruscia, Anthony  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Kobel, Rudolph  
Lovejoy, Marian  
Nowe, Mary Lou  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Welch, David

Bishop, Franklin  
Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Noyes, Richard  
Rabideau, Marie  
Sapareto, Frank  
Tufts, J Arthur  
Weyler, Kenneth

**STRAFFORD**

Bickford, David  
Spear, Barbara

Cossette, Larry  
Torr, Franklin

McKinley, Robert  
Woods, Phyllis

Musler, George

**SULLIVAN**

Jones, Constance

Kibbey, David

Young, David

**NAYS 142****BELKNAP**

Bartlett, Gordon

Pilliod, James

Wood, Jane

**CARROLL**

None

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Meador, David  
Russell, Ronald

Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Zerba, Roger

Blaisdell, Michael  
Lynch, Margaret  
Pratt, Irene

Burnham, Daniel  
McGuirk, Paul  
Riley, William

**COOS**

Davis, Perley

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Nordgren, Sharon

Densmore, Jessica  
Solow, Martha

Guest, Robert

Johnson, Gary

**HILLSBOROUGH**

Ahern, Richard  
Carlson, Donald  
Daigle, Robert  
Foster, Linda  
Hall, Betty  
Lasky, Bette  
McColgan, Philip Jr  
Reidy, Frank

Arthur, Rose  
Cote, David  
Drabinowicz, A Theresa  
Garrish, Linda  
Jean, Claudette  
Leishman, Peter  
McDonald, James Sr  
Sarette, John

Bergeron, Lucien  
Cote, Peter  
Fenton, James  
Gorman, Mary  
Keye, Harvey  
Leonard, Peter  
Messier, Irene  
White, John

Buckley, Raymond  
Curran, James  
Ford, Nancy  
Haettenschwiller, Alphonse  
Konys, Christine  
Lynde, Harold  
Moriarty, Mary  
Williams, Carol

**MERRIMACK**

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Langer, Ray  
Potter, Frances  
Rosenfield, Jay  
Wallin, Jean

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Marshall, Kenneth  
Poulin, Dave  
Seldin, Gloria  
Wallner, Mary Jane

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, James

Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Gleason, John  
Kelley, Jane  
Pantelakos, Laura  
Shelton, Richard  
Weatherspoon, Jackie

Case, Margaret  
Hutchinson, Rebecca  
McKinney, Betsy  
Pitts, Jacqueline  
Shultis, Elizabeth

Clark, Martha  
Johnson, Robert  
Norelli, Terie  
Sabella, Norma  
Splaine, James

Downing, Michael  
Kane, Cecelia  
O'Neil, Michael  
Schanda, Frank  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Keans, Sandra  
Smith, Marjorie  
Twardus, Joseph

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Snyder, Clair  
Vachon, Dennis

Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith  
Vincent, Francis

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Tuthill, John

Burling, Peter  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Robb-Theroux, Amy

and the amendment was adopted.

The question now being the adoption of the report.

Rep. Dowling requested a roll call; sufficiently seconded.

**YEAS 214 NAYS 135****YEAS 214****BELKNAP**

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Thomas, John

Holbrook, Robert  
Rice, Thomas  
Turner, Robert

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Manning, Joseph  
Rose, William

Doucette, Richard  
Pratt, John  
Royce, H Charles

Hunt, John  
Richardson, Barbara  
Smith, Edwin

Lynott, Margaret  
Roberts, William

**COOS**

Davis, Perley  
Merrill, Gerald

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
 Dudley, Terri  
 Harmon, Hobart  
 Phinney, William

Alger, John  
 Eaton, Stephanie  
 Hinman, Harry  
 Picconi, Al

Brothers, Richard  
 Gilman, G Michael  
 Marshall, Gene  
 Scanlan, David

Cobb, John  
 Hall, David  
 Mirski, Paul  
 Ward, Brien

**HILLSBOROUGH**

Alukonis, David  
 Batula, Peter  
 Brundige, Robert  
 Chabot, Robert  
 Dalianis, Griffin  
 Dokmo, Cynthia  
 Emerton, Lawrence  
 Flora, Kathleen  
 Goulet, Maurice  
 Holley, Sylvia  
 Kurk, Neal  
 Lefebvre, Roland  
 Martel, Andre  
 McRae, Karen  
 Moran, Edward  
 O'Hearn, Jane  
 Rowe, Robert  
 Turgeon, Roland

Andrews, Frederick  
 Beaupre, Roland  
 Bruno, Pierre  
 Christiansen, Lars  
 Daniels, Gary  
 Durham, Susan  
 Fenton, James  
 Franks, Suzan  
 Hall, Betty  
 Hunter, Bruce  
 L'Heureux, Robert  
 Lessard, Rudy  
 McCarthy, William  
 Melcher, Harold  
 Mosher, William  
 Pepino, Leo  
 Sargent, Maxwell  
 Vaillancourt, Steve

Arnold, Thomas Jr  
 Belvin, William  
 Burkush, James  
 Clegg, Robert Jr  
 Dawe, Eileen  
 Dwyer, Paul Sr  
 Fields, Dennis  
 Gagnon, Eugene  
 Hansen, Herbert  
 Jean, Loren  
 LaPorte, George  
 Lozeau, Donnalee  
 McCarty, Winston  
 Mercer, Robert  
 Murphy, Robert  
 Peterson, Andrew  
 Simon, Anthony  
 Wall, Nancy

Baroody, Benjamin  
 Bergin, Peter  
 Calawa, Leon Jr  
 Coughlin, Pamela  
 Desrosiers, William  
 Dyer, Merton  
 Fletcher, Richard  
 Goley, Jeffrey  
 Herman, Keith  
 Johnson, Lionel  
 LaRose, Richard  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Milligan, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Tate, Joan  
 White, Donald

**MERRIMACK**

Anderson, Eric  
 Hoadley, Elizabeth  
 Leber, William  
 Nichols, Avis

Asplund, Bronwyn  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Whalley, Michael

Feuerstein, Martin  
 Larrabee, David Sr  
 Marple, Richard

Hess, David  
 Lavoie, Gerard  
 Maxfield, Roy

**ROCKINGHAM**

Arndt, Janet  
 Bridle, Russell  
 Cox, Russell  
 Dowling, Patricia  
 Flanders, David  
 Grant, Kenneth  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Noyes, Richard  
 Quandt, Marshall  
 Ruffner, Walter  
 Stritch, C Donald  
 Welch, David

Beaulieu, Jon  
 Case, Margaret  
 Dalrymple, Janeen  
 Downing, Michael  
 Flanders, John Sr  
 Griffin, Mary  
 Katsakiores, Phyllis  
 Langone, John  
 Moore, Benjamin  
 O'Neil, Michael  
 Rabideau, Marie  
 Sapareto, Frank  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Clark, Vivian  
 Dearborn, Bruce  
 Fesh, Robert  
 Francoeur, Sheila  
 Hamel, Albert  
 Kelley, William  
 Letourneau, Robert  
 Morse, Charles  
 Packard, Sherman  
 Raynowska, Bernard  
 Stickney, Nancy  
 Varrell, Thomas  
 Whittier, John

Bishop, Franklin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Henderson, Warren  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Nowe, Mary Lou  
 Putnam, Ed II  
 Reardon, Neil  
 Stone, Joseph  
 Weare, Everett  
 Zolla, William

**STRAFFORD**

Bickford, David  
 Musler, George  
 Wall, Janet

Cossette, Larry  
 Spear, Barbara  
 Woods, Phyllis

Gilmore, Gary  
 Torr, Franklin

McKinley, Robert  
 Tsiros, William

**SULLIVAN**

Jones, Constance

Kibbey, David

Young, David

**NAYS 135****BELKNAP**

Bartlett, Gordon

Pilliod, James

Wood, Jane

**CARROLL**

None

**CHESHIRE**Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Zerba, RogerBlaisdell, Michael  
Lynch, Margaret  
Pratt, IreneBurnham, Daniel  
McGuirk, Paul  
Riley, WilliamDePecol, Benjamin  
Meader, David  
Russell, Ronald**COOS**

Landers, Dana

Rodrigue, Robert

**GRAFTON**Almy, Susan  
Nordgren, SharonDensmore, Jessica  
Solow, Martha

Guest, Robert

Johnson, Gary

**HILLSBOROUGH**Ahern, Richard  
Carlson, Donald  
Daigle, Robert  
Garrish, Linda  
Keye, Harvey  
Leonard, Peter  
McDonough-Wallace, Alice  
Sarette, JohnArthur, Rose  
Cote, David  
Drabinowicz, A Theresa  
Gorman, Mary  
Konys, Christine  
Lynde, Harold  
Messier, Irene  
White, JohnBergeron, Lucien  
Cote, Peter  
Ford, Nancy  
Haettenschwiler, Alphonse  
Lasky, Bette  
McColgan, Philip Jr  
Moriarty, Mary  
Williams, CarolBuckley, Raymond  
Curran, James  
Foster, Linda  
Jean, Claudette  
Leishman, Peter  
McDonald, James Sr  
Reidy, Frank**MERRIMACK**Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Langer, Ray  
Potter, Frances  
Rosenfield, Jay  
Wallin, JeanBrewster, Richard  
Davis, Francis  
Gile, Mary  
Marshall, Kenneth  
Poulin, Dave  
Seldin, Gloria  
Wallner, Mary JaneChase, George  
Fortnam, Janet  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, JamesCrosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Owen, Derek  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles**ROCKINGHAM**Abbott, Dennis  
Hutchinson, Rebecca  
McKinney, Betsy  
Sabella, Norma  
Splaine, JamesClark, Martha  
Johnson, Robert  
Norelli, Terie  
Schanda, Frank  
Vaughn, CharlesGleason, John  
Kane, Cecelia  
Pantelakos, Laura  
Shelton, Richard  
Weatherspoon, JackieHutchinson, Karen  
Kelley, Jane  
Pitts, Jacqueline  
Shultis, Elizabeth**STRAFFORD**Berube, Roger  
Callaghan, Frank  
Grassie, Anne  
Keans, Sandra  
Smith, Marjorie  
Twardus, JosephBrennan, William  
DeChane, Marlene  
Heon, Richard  
Knowles, William  
Snyder, Clair  
Vachon, DennisBrown, George  
Domingo, Baldwin  
Johnson, Nancy  
Pelletier, Arthur  
Spang, Judith  
Vincent, FrancisBrown, Julie  
Dunlap, Patricia  
Kaen, Naida  
Rollo, Michael  
Taylor, Kathleen**SULLIVAN**Allison, David  
Flint, Gordon Sr  
Tuthill, JohnBurling, Peter  
Leone, Richard  
Wiggins, CelestineCloutier, John  
Phinizy, JamesDonovan, Thomas Jr  
Robb-Theroux, Amy

and the report was adopted.

Referred to Finance.



**SB 431**, relative to certain secondary vocational education programs. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Guest for Education: The committee finds that representation of the membership on the Workforce Opportunity Council was not balanced by county. This bill, as amended, proposes that at least one member of the General Court and at least two members of the general public of each county be included. Vacancies will be filled by appointment by the Governor with consent of the Executive Council. This amendment will solve the problem of lack of representation by each county. The bill will include secondary vocational programs to be included under the Workforce Opportunity Council. Vote 12-3.

**Amendment (4103h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Secondary Vocational Education Programs. Amend RSA 188-E by inserting after section 11 the following new subdivision:

Secondary Vocational Education Programs

188-E:12 Secondary Vocational Education Programs; Federal Authorization. In accordance with 20 U.S.C. sec. 9271, the state shall include in its unified plan, all secondary vocational education programs authorized under 20 U.S.C. 2301 et seq., known as the Carl D. Perkins Vocational and Applied Technology Education Act of 1998.

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the workforce opportunity council formed by the governor pursuant to the Workforce Investment Act of 1998:

- I. The chair of the house labor, industrial and rehabilitative services committee, or designee.
- II. The chair of the house education committee, or designee.
- III. One member of the senate education committee, appointed by the senate president.
- IV. One member of the senate executive departments and administration committee, appointed

by the senate president.

2 Membership on Local Workforce Investment Boards.

I. In addition to the members specified under 29 U.S.C. sec. 2832, each local workforce investment board established in New Hampshire shall include at least one member of the general court and at least 2 members of the general public who reside in the county in which such board is established.

II. To the extent consistent with federal law, in cases where the governor has authority to nominate or appoint members to a local workforce investment board, such nominations or appointments shall be by the governor with the consent of the executive council.

3 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

Federal law requires prior approval of the state legislature in order to include certain secondary vocational educational programs in the state's unified vocational education plan. This bill fulfills that requirement by authorizing the inclusion of the relevant secondary vocational educational programs in the state's unified plan. The bill also specifies certain membership changes on the local workforce investment boards.

Adopted.

Report adopted and ordered to third reading.

**SB 447-FN**, relative to campaign contributions and expenditures. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Raymond Buckley for the Majority of Election Law: Earlier this year voters of both political parties loudly cried out for campaign finance reform across New Hampshire and the country. The bipartisan majority of the Committee heard that cry and responded by voting for SB 447 as amended. During the hearing for this bill, the Committee heard over three hours testimony supporting SB 447 from New Hampshire residents of every walk of life. Those appearing included an Executive Councilor, a Republican gubernatorial candidate, supporters of a presidential candidate and everyday citizens concerned about this very serious issue. The bill addressed the concern that candidates are spending too much time trying to raise ever increasing amounts of funds and being forced to sell themselves to special interests by establishing the New Hampshire Clean Elections Fund. Al-

though SB 447 will only be implemented when a funding mechanism is created at some future date, it sends a powerful message to the voters that we take their concerns about campaign finance reform seriously by setting up the structure for clean elections Vote 12-7

Rep. Robert E. Clegg, Jr. for the Minority of Election Law: This bill does nothing to reform campaign financing. This bill is a public financing bill. The committee heard from many whom had lost political races and believed it was due to money, not message. Yet, those who won believe they won because of their message. While not funded this year, the bill looks for \$6 million in the next budget. That is \$6 million public dollars to potentially support messages you may even find offensive. This bill would publicly fund any and all so-called candidates for governor who can find 5000 people to give them \$5. Anyone with a political message to spread can raise \$25000 this way and would receive \$625,000 in taxpayer funds in the primary to help spread their message, whether or not a serious candidate for governor. If this bill were ever funded, some "candidates" could receive over \$20 in matching funds for every \$1 they raise on their own. In addition, advertising by any group opposed to the hate message would entitle the "candidate" to additional public funding equal to that spent by any group opposed to the hate message. Similar provisions would apply to Senate races.

### Amendment (4093h)

Amend RSA 664-A:1, VIII as inserted by section 9 of the bill by replacing it with the following:

VIII. "Qualifying period" means the period beginning January 1 of the year of the state general election and ending 60 days from the date on which the candidate files for office.

Amend RSA 664-A:6, IV as inserted by section 9 of the bill by replacing it with the following:

IV. Participating candidates shall not accept any non-monetary contributions except the volunteer donations permitted by this paragraph. A volunteer may donate up to \$100 worth of goods and services to a participating candidate per month. A volunteer's time or voluntary use of personal vehicles shall not be considered a donation for purposes of this paragraph.

Amend RSA 664-A:8, II as inserted by section 9 of the bill by replacing it with the following:

II.(a) A participating candidate may receive additional funding from the fund to match expenditures by the participating candidate's opponent above the voluntary expenditure limitation amount in RSA 664:5-b. The amount of such additional funding shall not exceed 200 percent of the amount allocated to the candidate for the election period pursuant to paragraph 1.

(b) A participating candidate may receive additional funding from the fund to match expenditures by any independent expenditure, as defined by RSA 664:2, XI, that reasonably can be described as either in support of the candidate's opponent or the opposition of the candidate. The amount of such additional funding shall not exceed 200 percent of the amount allocated to the candidate for the election period pursuant to paragraph 1.

Amend RSA 664-A:8, III (a) as inserted by section 9 of the bill by replacing it with the following:

(a) Fifteen percent of the funding for the primary election period by the close of the business day immediately following fulfillment of the qualification requirements and certification of such by the secretary of state.

### AMENDED ANALYSIS

This bill establishes a fund to provide campaign financing for eligible candidates for governor, councilor, and state senator. Candidates qualify for the financing by collecting a requisite number of \$5 contributions and complying with other provisions of the financing law. The candidate will then use money received from the fund instead of private contributions to finance the candidate's campaign.

On a division vote, 198 members having voted in the affirmative and 144 in the negative, the amendment was adopted.

Rep. MacGillivray spoke against and yielded to questions.

Reps. Jacobson and Arnold spoke in favor and yielded to questions.

Reps. Stritch and Clegg spoke against.

Rep. Buckley requested a quorum count. The Speaker declared a quorum present.

Rep. Buckley spoke in favor.

Rep. Buckley requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 160

### BELKNAP

Millham, Alida                      Wood, Jane

### CARROLL

Howard, Godfrey                  Kenney, Joseph

### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Russell, Ronald	Zerba, Roger		

### COOS

Davis, Perley	Horton, Lynn	Landers, Dana	Rodrigue, Robert
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### GRAFTON

Akins, Ralph	Almy, Susan	Brothers, Richard	Densmore, Jessica
Guest, Robert	Johnson, Gary	Nordgren, Sharon	Solow, Martha

### HILLSBOROUGH

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Buckley, Raymond	Burkush, James	Cote, David	Cote, Peter
Curran, James	Daigle, Robert	Dokmo, Cynthia	Drabinowicz, A Theresa
Dyer, Merton	Foster, Linda	Franks, Suzan	Garrish, Linda
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lynde, Harold	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Moriarty, Mary
Murphy, Robert	Reidy, Frank	Sarette, John	Simon, Anthony
Turgeon, Roland	White, John	Williams, Carol	

### MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Yeaton, Charles			

### ROCKINGHAM

Abbott, Dennis	Case, Margaret	Clark, Martha	Flanagan, Natalie
Gibbons, Paul	Grant, Kenneth	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John		

### STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Gilmore, Gary	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Pelletier, Arthur
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Tuthill, John

Burling, Peter  
Jones, Constance  
Wiggins, Celestine

Cloutier, John  
Phinizy, James  
Young, David

Donovan, Thomas Jr  
Robb-Theroux, Amy

**NAYS 192****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Pilliod, James  
Thomas, John

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

**CHESHIRE**

Hunt, John  
Royce, H Charles

Meador, David  
Smith, Edwin

Roberts, William

Rose, William

**COOS**

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Scanlan, David

Cobb, John  
Hall, David  
Mirski, Paul  
Ward, Brien

Dudley, Terri  
Harmon, Hobart  
Phinney, William

Eaton, Stephanie  
Hinman, Harry  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan  
Fletcher, Richard  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
Martel, Andre  
McRae, Karen  
Mosher, William  
Peterson, Andrew  
Tate, Joan

Andrews, Frederick  
Bergeron, Lucien  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dawe, Eileen  
Emerton, Lawrence  
Flora, Kathleen  
Hansen, Herbert  
Jean, Loren  
Lessard, Rudy  
McCarthy, William  
Mercer, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Vaillancourt, Steve

Batula, Peter  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian  
Fenton, James  
Ford, Nancy  
Herman, Keith  
Kurk, Neal  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
O'Hearn, Jane  
Rowe, Robert  
Wall, Nancy

Beaupre, Roland  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Desrosiers, William  
Fields, Dennis  
Gagnon, Eugene  
Holley, Sylvia  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McGough, Tim  
Moran, Edward  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Anderson, Eric  
Hoadley, Elizabeth  
Lavoie, Gerard  
Marshall, Kenneth  
Whalley, Michael

Asplund, Bronwyn  
Kennedy, Richard  
Leber, William  
Nichols, Avis  
Whittemore, James

Feuerstein, Martin  
Langer, Ray  
Lockwood, Priscilla  
Poulin, Dave

Hess, David  
Larrabee, David Sr  
Marple, Richard  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell

Beaulieu, Jon  
Christie, Andrew Jr

Belanger, Ronald  
Clark, Vivian

Bishop, Franklin  
Cooney, Richard



Cox, Russell  
Dowling, Patricia  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II  
Reardon, Neil  
Stitch, C Donald  
Welch, David

Dalrymple, Janeen  
Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Kelley, William  
Letourneau, Robert  
Moore, Benjamin  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Tufts, J Arthur  
Weyler, Kenneth

Dearborn, Bruce  
Fesh, Robert  
Gleason, John  
Hutchinson, Karen  
Kobel, Rudolph  
Lovejoy, Marian  
Morse, Charles  
Packard, Sherman  
Rabideau, Marie  
Stickney, Nancy  
Varrell, Thomas  
Zolla, William

DiFruscia, Anthony  
Flanders, David  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Major, Norman  
Nowe, Mary Lou  
Priestley, Anne  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett

### STRAFFORD

Cossette, Larry  
Spear, Barbara

Heon, Richard  
Torr, Franklin

McKinley, Robert  
Tsiros, William

Musler, George  
Woods, Phyllis

### SULLIVAN

Kibbey, David

Leone, Richard

and the majority report failed.

Rep. Keith Herman moved Inexpedient to Legislate.

Rep. Buckley requested a roll call; sufficiently seconded.

### YEAS 190 NAYS 162

### YEAS 190

### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Pilliod, James  
Thomas, John

### CARROLL

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

### CHESHIRE

Hunt, John  
Royce, H Charles

Meador, David  
Smith, Edwin

Roberts, William

Rose, William

### COOS

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Alger, John  
Gilman, G Michael  
Marshall, Gene  
Scanlan, David

Cobb, John  
Hall, David  
Mirski, Paul  
Ward, Brien

Dudley, Terri  
Harmon, Hobart  
Phinney, William

Eaton, Stephanie  
Hinman, Harry  
Picconi, Al

### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Calawa, Leon Jr  
Clegg, Robert Jr  
Dawe, Eileen

Andrews, Frederick  
Bergin, Peter  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian

Batula, Peter  
Brundige, Robert  
Chabot, Robert  
Dalianis, Griffin  
Desrosiers, William

Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Daniels, Gary  
Durham, Susan

Emerton, Lawrence  
 Flora, Kathleen  
 Hansen, Herbert  
 Jean, Loren  
 LaRose, Richard  
 Martel, Andre  
 McRae, Karen  
 Mosher, William  
 Peterson, Andrew  
 Tate, Joan

Fenton, James  
 Ford, Nancy  
 Herman, Keith  
 Johnson, Lionel  
 Lessard, Rudy  
 McCarthy, William  
 Mercer, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Vaillancourt, Steve

Fields, Dennis  
 Gagnon, Eugene  
 Holley, Sylvia  
 Kurk, Neal  
 Lozeau, Donnalee  
 McCarty, Winston  
 Milligan, Robert  
 O'Hearn, Jane  
 Rowe, Robert  
 Wall, Nancy

Fletcher, Richard  
 Goulet, Maurice  
 Hunter, Bruce  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 McGough, Tim  
 Moran, Edward  
 Pepino, Leo  
 Sargent, Maxwell  
 White, Donald

### MERRIMACK

Anderson, Eric  
 Hoadley, Elizabeth  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Whalley, Michael

Asplund, Bronwyn  
 Kennedy, Richard  
 Leber, William  
 Nichols, Avis

Feuerstein, Martin  
 Langer, Ray  
 Lockwood, Priscilla  
 Poulin, Dave

Hess, David  
 Larrabee, David Sr  
 Marple, Richard  
 Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
 Bridle, Russell  
 Cox, Russell  
 Dowling, Patricia  
 Francoeur, Sheila  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Noyes, Richard  
 Putnam, Ed II  
 Reardon, Neil  
 Stritch, C Donald  
 Welch, David

Beaulieu, Jon  
 Christie, Andrew Jr  
 Dalrymple, Janeen  
 Fesh, Robert  
 Gleason, John  
 Hutchinson, Karen  
 Kelley, William  
 Letourneau, Robert  
 Moore, Benjamin  
 O'Neil, Michael  
 Quandt, Marshall  
 Ruffner, Walter  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Clark, Vivian  
 Dearborn, Bruce  
 Flanders, David  
 Griffin, Mary  
 Johnson, Robert  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Morse, Charles  
 Packard, Sherman  
 Rabideau, Marie  
 Stickney, Nancy  
 Varrell, Thomas  
 Zolla, William

Bishop, Franklin  
 Cooney, Richard  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Hamel, Albert  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Nowe, Mary Lou  
 Priestley, Anne  
 Raynowska, Bernard  
 Stone, Joseph  
 Weare, Everett

### STRAFFORD

Cossette, Larry  
 Torr, Franklin

McKinley, Robert  
 Tsiros, William

Musler, George  
 Woods, Phyllis

Spear, Barbara

### SULLIVAN

Kibbey, David

Leone, Richard

### NAYS 162

### BELKNAP

Millham, Alida

Wood, Jane

### CARROLL

Howard, Godfrey

Kenney, Joseph

### CHESHIRE

Avery, Stephen  
 DePecol, Benjamin  
 Lynott, Margaret  
 Pratt, Irene  
 Russell, Ronald

Batchelder, Robert  
 Doucette, Richard  
 Manning, Joseph  
 Pratt, John  
 Zerba, Roger

Blaisdell, Michael  
 Lerandau, Alfred  
 McGuirk, Paul  
 Richardson, Barbara

Burnham, Daniel  
 Lynch, Margaret  
 Mitchell, McKim  
 Riley, William

### COOS

Davis, Perley

Horton, Lynn

Landers, Dana

Rodrigue, Robert

**GRAFTON**

Akins, Ralph	Almy, Susan	Brothers, Richard	Densmore, Jessica
Guest, Robert	Johnson, Gary	Nordgren, Sharon	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Cote, David
Cote, Peter	Curran, James	Daigle, Robert	Dokmo, Cynthia
Drabinowicz, A Theresa	Dyer, Merton	Foster, Linda	Franks, Suzan
Garrish, Linda	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Jean, Claudette	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lynde, Harold	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Melcher, Harold	Messier, Irene	Moriarty, Mary
Murphy, Robert	Reidy, Frank	Sarette, John	Simon, Anthony
Turgeon, Roland	White, John	Williams, Carol	

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
French, Barbara	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Case, Margaret	Clark, Martha	Downing, Michael
Flanagan, Natalie	Gibbons, Paul	Grant, Kenneth	Hutchinson, Rebecca
Kane, Cecelia	Kelley, Jane	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Pelletier, Arthur	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	

and the motion was adopted.

**MOTION TO PRINT DEBATE**

Rep. Nordgren moved that the debate on Senate Bill 447 be printed in the Journal.  
Rep. Buckley requested a roll call; sufficiently seconded.

**YEAS 196 NAYS 156**

**YEAS 196****BELKNAP**

Czech, Stanley  
Turner, Robert

Millham, Alida  
Wendelboe, Francine

Pilliod, James  
Wood, Jane

Russell, David

**CARROLL**

Bradley, Jeb

Kenney, Joseph

Lyman, L Randy

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Zerba, Roger

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Richardson, Barbara

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Riley, William

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Russell, Ronald

**COOS**

Davis, Perley

Landers, Dana

Rodrigue, Robert

Woodward, David

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Mirski, Paul

Almy, Susan  
Guest, Robert  
Nordgren, Sharon

Brothers, Richard  
Hall, David  
Solow, Martha

Densmore, Jessica  
Johnson, Gary

**HILLSBOROUGH**

Andrews, Frederick  
Beaupre, Roland  
Christiansen, Lars  
Daigle, Robert  
Fields, Dennis  
Franks, Suzan  
Haettenschwiller, Alphonse  
Johnson, Lionel  
LaPorte, George  
Leishman, Peter  
McCarthy, William  
McDonough-Wallace, Alice  
Moriarty, Mary  
Sargent, Maxwell  
White, John

Arnold, Thomas Jr  
Bergeron, Lucien  
Cote, David  
Dokmo, Cynthia  
Flora, Kathleen  
Garrish, Linda  
Hall, Betty  
Keye, Harvey  
LaRose, Richard  
Leonard, Peter  
McCarty, Winston  
Melcher, Harold  
Peterson, Andrew  
Simon, Anthony  
Williams, Carol

Arthur, Rose  
Buckley, Raymond  
Cote, Peter  
Drabinowicz, A Theresa  
Ford, Nancy  
Goley, Jeffrey  
Jean, Claudette  
Konys, Christine  
Lasky, Bette  
Lynde, Harold  
McColgan, Philip Jr  
Messier, Irene  
Reidy, Frank  
Turgeon, Roland

Baroody, Benjamin  
Burkush, James  
Curran, James  
Fenton, James  
Foster, Linda  
Gorman, Mary  
Jean, Loren  
L'Heureux, Robert  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McDonald, James Sr  
Moran, Edward  
Sarette, John  
White, Donald

**MERRIMACK**

Asplund, Bronwyn  
Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Owen, Derek  
Rosenfield, Jay  
Wallner, Mary Jane

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Potter, Frances  
Seldin, Gloria  
Whittemore, James

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Kennedy, Richard  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles

Chase, George  
Fortnam, Janet  
Hager, Elizabeth  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Cox, Russell  
Flanagan, Natalie  
Kane, Cecelia  
O'Neil, Michael  
Reardon, Neil  
Shults, Elizabeth  
Weyler, Kenneth

Beaulieu, Jon  
Dowling, Patricia  
Flanders, David  
Kelley, Jane  
Pantelakos, Laura  
Sabella, Norma  
Splaine, James  
Whittier, John

Case, Margaret  
Downing, Michael  
Griffin, Mary  
Kelley, William  
Pitts, Jacqueline  
Schanda, Frank  
Vaughn, Charles

Clark, Martha  
Fesh, Robert  
Hutchinson, Rebecca  
Norelli, Terie  
Raynowska, Bernard  
Shelton, Richard  
Weatherspoon, Jackie



**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Pelletier, Arthur	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
Vachon, Dennis	Vincent, Francis	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Leone, Richard	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine	Young, David	

**NAYS 156****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas	Rosen, Ralph
Thomas, John			

**CARROLL**

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith

**CHESHIRE**

Hunt, John	Meador, David	Pratt, John	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

**COOS**

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr		

**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Batula, Peter	Belvin, William
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert Jr	Coughlin, Pamela
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Desmarais, Vivian
Desrosiers, William	Durham, Susan	Dyer, Merton	Emerton, Lawrence
Fletcher, Richard	Gagnon, Eugene	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Kurk, Neal
Lessard, Rudy	Lozeau, Donnalee	Martel, Andre	McGough, Tim
McRae, Karen	Mercer, Robert	Milligan, Robert	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Tate, Joan	Vaillancourt, Steve
Wall, Nancy			

**MERRIMACK**

Anderson, Eric	Feuerstein, Martin	Hoadley, Elizabeth	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Nichols, Avis
Poulin, Dave	Soltani, Tony	St Cyr, Gerard	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Christie, Andrew Jr	Clark, Vivian	Cooney, Richard	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Flanders, John Jr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Noyes, Richard
Packard, Sherman	Priestley, Anne	Putnam, Ed II	Quandt, Marshall
Rabideau, Marie	Ruffner, Walter	Sapareto, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Welch, David	Zolla, William	

**STRAFFORD**

McKinley, Robert	Musler, George	Spear, Barbara	Torr, Franklin
Tsiros, William			

**SULLIVAN**

Jones, Constance      Kibbey, David

and the motion was adopted.

**DEBATE ON SENATE BILL 447**

Rep. MacGillivray: Thank you very much, Madam Speaker. Ladies and gentlemen, I rise in opposition to the committee report of Ought to Pass with Amendment on Senate Bill 447. There are many things wrong with this bill, but at the beginning of the debate Rep. Clegg has asked me to correct an error in his blurb. So, if you would please turn to page 1007 of the calendar it should read: "This bill would publicly fund any and all so-called candidates for governor who can find 5,000 (not 1,000) people to give them \$5.00. Anyone with a political message to spread can raise \$25,000 this way..." And then in the next sentence: "If this bill were ever funded, some "candidates" could receive over \$20.00 in matching funds for every \$1 they raise on their own." That correction having been made I will now start with my remarks. I have four points. It is a very bad idea to make people pay taxes to fund speech they disagree with. Second, it is a very bad idea to match funds at a ratio of much more than a dollar for every dollar they collect themselves. Third, it is a very bad idea to start requiring \$5.00 contributors to list their names publicly to make retaliation easier against contributors to politically incorrect candidates. And, fourth, it is a bad idea to promise that there will be funding in the future for something that we aren't putting in money for and don't have any idea how much it is going to cost. Let me go quickly through these four points. It is a bad idea to make people pay taxes to fund speech they disagree with. Jefferson understood this. He said that you should never require anyone to fund the speech of someone else that they violently disagree with. People have changed, the issue has not and Jefferson is still right. Second, thanks to the potential for matching funds of greater than one-for-one there may not be enough money in the state of New Hampshire to fully fund all of the candidates that might start to appear if this bill ever were supposedly fully funded. Just look at what is necessary. An organized group with a few thousand members who are really vehement about their cause, and I can think of many in this state, may easily raise \$5.00 apiece for not just one but potentially several candidates, given that they are going to get \$10.00 in matching funds for every dollar of qualifying contributions or \$20.00 in governors' races. In a governor's race you have to have 5,000 people chip in \$5.00. That is \$25,000. You get \$625,000. I've heard people talk about getting grants and taking small contributions and having them leveraged with government grants but I don't usually hear of ratios like twenty-to-one. For the Council or the Senate, the numbers aren't quite as good. For Council, you are talking 1,000 contributions of \$5.00. You raise \$5,000 and the taxpayers will contribute \$50,000, a leveraging of ten-to-one. In the Senate, you only need to find 300 people willing to give \$5.00 and that \$1500 becomes \$20,000. Quite an amount of leverage if you ask me. Even the federal Presidential election funds only give you \$1.00 for every dollar of matchable funds you collect during the primary season and most Americans don't contribute to that fund and the number, I

understand, has been going down just about every year and certainly is going down in a long, long-term trend. Now, what happens when more candidates sign up than this bill had envisioned? Well, there is a shortfall and then the money in the pot is prorated. So, maybe some of these folks don't get as much of a leveraging as they had hoped for originally. But the real candidates who had avoided fund raising because they were supposed to be able to avoid it thanks to this bill, now have to start running out and raising money in June and July when they are supposed to be campaigning to make up the difference. The need to raise this money with speed again goes back to giving the advantage to the people that are better organized, better institutionalized and against the rebels that this was supposed to help. My third point is one of confidentiality in the political process. We all think it is reasonable, we all know it's reasonable for big contributors to be listed publicly so that we can know who the candidates might be influenced by, but I find it hard to believe that any of us would ever be influenced by the fact that somebody had given us a \$5.00 contribution. Yet, we are going to require that those people that give those \$5.00 contributions be required to make their names public. Now, we have tried to keep things away from open balloting and toward secret balloting in this country for a couple of hundred years now. This has been a good trend in my opinion. This point was reinforced to me by one of the finest volunteers in my town, a fairly apolitical man who I don't think has ever stood for public office. He is just somebody that's there on a substantial fraction of the volunteer committees in town. In our school-district discussion of Senate Bill 2, he stood up and said, "one of the reasons I like it is that I've cast my vote in public at a school district meeting and had people come up to me and tell me I had lost their business." That's why we adopted secret ballots nationwide in the 19<sup>th</sup> century. That's why we've moved towards keeping small contributors and individual voters' names out of the public press in terms of who's contributing to who. This requirement would not be an asset to the public voting process. And then, of course, you have the final point, there is no funding in this bill, so what we're doing is we're saying if we ever figure out how much this costs and if we ever find a way to fund everything else we'd like to fund in this state, we might try to make an appropriation for it and then you can match the appropriation against the bill. So, what it really is, is a no-action bill that does nothing but feels good because there isn't any money in it, so it isn't going to happen. When people bring back a funding bill in the future and this bill comes in with funding attached, then we'll be able to debate its merits compared to its costs, but what we're doing today is passing a bill that does nothing. These are all good reasons to vote against the committee report of Ought to Pass with Amendment but I'd like you to, one last time, think back to Jefferson who understood that you should never have anybody required to have money taken out of their pocket involuntarily and used to fund the speech of another. Even the federal government check-off scheme, somebody's got to check the "yes" box and most people don't. I thank you.

Speaker Sytek: Would the member yield to a question? Rep. Daniels, you may inquire.

Rep. Daniels: Thank you, Madam Speaker. Rep. MacGillivray, in 1988 a gentleman by the name of Harry Beck won his Supreme Court case against his union because they had taken money out of his union dues to pay for support of presidential candidates. Would you not think that if any amount, whatsoever, of public funds was used to give to presidential candidates from this bill would also be considered a violation of our first amendment rights?

Rep. MacGillivray: That is a very good question, Rep. Daniels. I'm not sure that I'd want to venture a guess this week as to how the future Supreme Court of this state might rule on much of anything, but given that Supreme Court precedent I think it is important to note that in the federal campaign financing all the money comes from people who voluntarily look at their tax form and check the "yes" box and voluntarily say "some of my money will go to this." It doesn't come from anybody's totally involuntarily contribution even though it is still coming from taxpayer money. I think someone would have a very good case if they brought that to either the state or federal supreme court and you may well be right I think the parallel is good.

Rep. Jacobson: Thank you, Madam Speaker. One of the images that always makes me nervous is that of Senator McConnell of Kentucky and his argument always is that you can spend as much money as you want to; you can be as much obligated as you want to to the candidates and it all comes under the arena of free speech. I did a little looking into that and I found that that kind of idea simply didn't exist in 1791 when that amendment was adopted. I am of the opinion that the way we are spending today is not good for the public interest of the state and of its citizens. I've been a supporter of public financing. More than 20 years ago, I had a very simple idea and I know



that the distinguished person who spoke before me would object to it but my idea was that we add \$1.00 to the old \$10.00 residence tax and (tape change) could run for office. Do you know that I spent 10 years in the Senate and I spent \$1500? I got \$1100 in contributions and \$400 that I paid out and a lot of shoe leather. Today, I ride my bicycle. I think that there are good people who could become candidates if a proposal like this were in fact in place. I think we ought to move in that direction and see what it does. It may very well improve our political life. So, I urge you to support Senate Bill 447 as amended. Thank you.

Speaker Sytek: Would the member yield to questions? Rep. Mirski, you may inquire.

Rep. Mirski: Thank you, Madam Speaker. If Joe Stalin, Adolph Hitler and the grand wizard of the Ku Klux Klan are running for office and I am a voter, a taxpayer who perhaps had a relative sent to the Gulag by Joe, another one gassed and burned in an incinerator at Buchenwald, or perhaps a third strung up from a tree in Alabama at a Klan meeting, why would you expect that I should be compelled in any way to support the candidacy of those individuals?

Rep. Jacobson: I see no reason why you should support them.

Speaker Sytek: Would the member yield to another question? Rep. Vaillancourt, you may inquire.

Rep. Vaillancourt: Thank you, Madam Speaker. On the yellow sheet we were handed as we came in today there is a reference to 74 percent of New Hampshire voters supporting this but by way of getting empirical data, the Representative from New Ipswich alluded to it, but rather than accept the fact that 74 percent support this, I thought it might be better to find out what percentage of New Hampshire people check off that \$3 box on their IRS return. While we can't necessarily have the percentage of New Hampshire people per se, do you know what percentage of Americans check off that \$3 box, which would give us a better idea of what percentage support this than the 74 percent, because actions speak louder than words? Do you know what percent that would be?

Rep. Jacobson: I can only tell you that there are two people who check it off and we contribute \$6 to it.

Rep. Vaillancourt: I'm trying to get an accurate percentage. Maybe somebody else knows, but I've been told it is about 15 percent. Does that sound right?

Rep. Jacobson: I have no idea.

Speaker Sytek: Would the member yield to another question? Rep. Brothers, you may inquire.

Rep. Brothers: Thank you. Representative, would you believe that several times a year I receive campaign propaganda in the mail. It is under the guise of a newsletter from my Senators and my Congressmen and it comes to my attention that my tax dollars are already paying for that. That, in fact, we are, right now, supporting at least four people's re-election come next election.

Rep. Jacobson: Absolutely. You'll notice that there is a plethora of these notices that come out the closer you get to the election.

Rep. Arnold: Thank you, Madam Speaker. You have been told that this is an imperfect proposal and, I'm going to agree, it is. Probably some of the numbers in the blurb deserve to be changed and it occurs to me that we may want, in the future with a little experience, to change some of the numbers in the bill. It is true that in our neighboring state of Maine, I believe 78 percent of the people voted for such a bill and only 34 percent check it off on their income tax. I'm not going to propose that we put in an income tax to find out how many check it off. I am going to take the occasion to tell you that I'm cheaper than that country kid from New London. I only check one box and pay \$3, but that is what the law lets me do. The problem we're approaching is not these details of the bill. The problem we have to look at is today, in this state, where the money is spent on senatorial, executive councilor, governor's jobs, is substantial amounts of money. Are we building ourselves a situation where large contributors will control those people? I think we are and I think that's a danger. I think the danger of involuntary extraction of money for a candidate is much less than the danger that the individual with the large funds can buy the election. As far as that extraction goes, the only analogy we have is the federal government and people -off to support a candidate and, yes, you can say they are supporting the candidate they disagree with, but people who disagree with both candidates are checking it off and I'm not sure I'd want to go to the cost of figuring out which one was giving the money to whom. Lastly, as you put that money on your federal income tax, the remarks you heard that it is entirely voluntarily and doesn't extract money from the taxpayer is not literally true, because if you and you and you and you and I check it off than our \$3 go to campaign funds and assuming the taxation reasonably approximates the cost of running the government, everybody else has to make up some fraction of that \$3 to run the government, so it really is coming from everybody who pays taxes. That is an imperfect law, but it is better than



the alternative. Now, we have three areas that we can attack in campaign financing. The first one is full disclosure and I think that the Election Law Committee did a pretty good job a couple of years ago of addressing that issue. The second area is limiting the amount of money you can give to candidates and New Hampshire and other states have played with that for years, but what we are actually faced with is the decision of the United States Supreme Court that money is speech and is, therefore, protected under the first amendment. Now, I personally disagree with the Supreme Court. I think the founding fathers thought that speech was exercising your vocal cords. They knew that was hazardous if you disagreed with the establishment so they put in an amendment that said, "Hey, you had this right to speak freely." I don't think they thought giving money to a political candidate was speech. I don't think they thought that burning the American flag was speech and I don't think that they thought Bill Gates ought to have 37 billion times as much free speech as you or I. So, although I disagree with the Supreme Court, I recognize the fact we are limited by their decision and we can't do much about that aspect of it. The only other way to attack money is not to require as much effort, time and large sums from candidates who are either relatively unknown or unpopular and the answer to that is some sort of subsidization. Now, this particular bill provides a form of public financing. It doesn't fund it. It has some flaws but I think that now is the time for us to take a positive action and do something about the problem which I believe all of us can see.

Speaker Sytek: Rep. Arnold, would you yield to a question? Rep. Peterson, you may inquire.

Rep. Peterson: Thank you, Madam Speaker. Thank you. Rep. Arnold. If the cost of this bill over the next biennium were \$6 million and we have 1.2 million people, approximately, in this state, would not the practical effect of the passage of this bill and funding it be to require a \$5 donation from every man, woman and child in the state of New Hampshire toward this fund?

Rep. Arnold: If it were, and if every man, woman and child were a taxpayer, it would.

Rep. Stritch: Thank you, Madam Speaker. Somewhere over the rainbow, there is a pot of gold. Oh, I'm sorry, Madam Speaker, that is House Bill 1939, Wizard of Oz. We're discussing Senate Bill 447, but there is still a rainbow with the cookie jar at the end of it. The stealth cookie jar which is not yet full, so let me try to explain some of the intricacies and the clevernesses of Senate Bill 447 so that you may make a decision based on your feeling of which candidate should run for office and whether or not those candidates should have to take the test of the magic of the marketplace. We have a presidential check-off list for anyone that files an income tax of \$1, to begin with, and it was raised to \$3 because they weren't getting enough dollars. This money is distributed among presidential candidates and each year that amount of money drops lower and lower so that today in the year 2000 12½ percent of all those who pay an income tax are willing to contribute \$3. This tactic was not explored for New Hampshire. Why not ask the taxpayers, "Would you like to have \$1 deducted from your dividends and interest tax to go to the candidates? Would you like to have \$1 deducted from your \$6.60 of the statewide property tax and spend it on candidates that are not of the same persuasion that you are?" That's voluntary. Those are state taxes. But, it wouldn't fill the cookie jar. The cookie jar would be filled by donations, contributions, interest on the money that has been received and then by the stealth clause of this bill that will fill the cookie jar by a state appropriation to the tune of \$6 million for beginners. In four years, 10 million, in 10 years, 20 million and who did they leave out of this cookie jar but you and me? We're candidates for office, the senators are going to get some of the cookies, the councilors will, the governor will. Hark back to yesteryear one moment for me, please. If this bill were in existence in yesteryear, the "Forty-Niners" wouldn't have bothered to go to Sutter's Mill, Jesse James would have left the trains alone and Ma Barker and her boys would have stayed home and crocheted doilies. Why put yourself in jeopardy when you have a goody cookie jar? All you have to do is become a candidate, sign up, run for governor. This is a presidential year. There are two major parties in the state of New Hampshire, recognized. One wonders? The Republicans and that other one – oh, the Democrats, of course, and I have great respect for them, my wife is a member of the Democratic party. However, I am a Republican as my mother and father before me were Republicans. But, these two major parties are eligible in the primary season for the contribution, \$5 member petition contributions to receive \$625,000 for governor or however many thousands of dollars for councilor, and \$20,000 for senator. When it comes to the general election, the two parties that have received the \$625,000, or whatever, for governor are eligible for another chunk of cookie but now come into play in September and November, all those other political organizations that can make themselves eligible simply by gaining the number of petitions and asking to be placed on the ballot. Watch this November.

You will see on your ballot, Republican, Democratic, Natural Law Party, Socialist Party, Independent Party, Independence Party, Reform Party, etc., etc. If these people wish to file candidates for the offices for state funding, they would be eligible under this bill for the state funding. Those organizations do not have to file until August and then their names are put on the ballot. That is present state law. The long and the short of this bill is, do you really, you the chosen 400, want to take \$6 million of taxpayer's money and give it to candidates who don't share your beliefs? There should be another method of funding this bill. We all want reform. We all want change. We all know the present system is not perfect. Democracy is not perfect, it is sloppy and messy, expensive and often rude. But, it is a lot better than all the others. Reform means change for the better. It means evil to good. It means correcting the faults. All of us want campaign finance reform, but we don't want to reform it by sending the bill to every taxpayer in the state of New Hampshire. Now for the stealth clause of the bill. I would refer you to Senate Bill 447, section 664-A:2, line g (for Good God) this is a non-lapsing funding mechanism. The monies that arrive and are put into the clean election fund are non-lapsing. That means they can go on from term to term to term. An appropriation is made out of the budgetary appropriations of each year and there is a legal question as to whether these funds are automatically appropriated and go into this clean election fund to the tune of \$6 million and no more, each biennium. And if there is a surplus at the end of the biennium, as we have a rainy day fund, and it takes a number of the millions of dollars, the legal question here is, and if you read that section I just mentioned to you, and you read the methodology of this bill, the money is automatically appropriated. You will pay this funding. So, with your nervousness about all this money that I portrayed before you today, and you suffer from the headache, neuritis and neuralgia, press the red button for relief.

Rep. Avery: Thank you, Madam Speaker. I don't know who made up the list but I want to thank them for letting me follow the distinguished gentleman who spoke before me. I rise in support of the committee report on Senate Bill 447. The campaign finance issue is here to stay until the problem is solved. This bill may not solve them all, but it is a step in the right direction. As many of you are aware, I was a supporter for Sen. John McCain for President and I'm sure you are also aware that that issue was the linchpin of his campaign and he carried New Hampshire by a wide margin. What many of you may not know is that 10 years ago an 80-year old woman from Dublin ran against me for my House seat. Her son thought that she was too old and, as a matter of fact, put up one of my campaign signs in his yard. She took it down. But, the ironic thing is that 10 years later she flew to California and walked across America for campaign finance reform. I'm speaking about Granny D, Doris Haddock, and if she can do that at age 90, she'll probably run against me when she's 100. I want to be on the right side of this issue. Please support the committee report. Thank you.

Rep. Clegg: Thank you, Madam Speaker. I'm not as eloquent as Rep. Stritch, so I'll be really quick. This bill is not about campaign finance reform. This bill is about nothing more than publicly financing candidates. For those of you who didn't get a chance to read the amendment, let me point out that if you take the \$625,000 to run for governor, while it appears that you wouldn't be allowed to take any more money, in the amendment it says, "a volunteer may donate up to \$100 worth of goods and services to a participating candidate per month." Since the average campaign runs 10 months, that means anyone that wants to claim that they are a volunteer on the campaign can give an additional \$1000, so special interest money doesn't go away, it just comes from volunteers. There will never be enough money in the fund. If you say that you can get \$625,000 if you get 5,000 people to give you \$5, I can get \$5 from people just to go away. So what happens? Do we have the people for marijuana go out and find 5,000 smokers and get \$625,000? What a party they'll have. Since there is no money in the bill, people think, well let's pass it. It is budget season coming up. I'll guarantee you there will be a big push to put \$6 million in the budget. I wonder how they are going to do that? Since the last time we had a budget, the very same people said, "Look at all the people on the waiting list. We need money." Are we going to take \$6 million from them and give it to the politicians? I ask you to support the minority of the committee and vote Inexpedient to Legislate and let's do some campaign finance reform properly. We have House Bill 1478 on the table. It's similar, but instead of the money coming from you, the taxpayer, it came from voluntary contributions that people checked off on their business enterprise tax or their interest and dividends tax. Of course, interest and dividends tax is going away, but... So there is another method. We've been studying this. We know we need campaign finance reform, but campaign finance reform is



not public financing for anyone who wants some money to spread a message. Thank you.

Rep. Buckley: Thank you, Madam Speaker. It is with great pride and an awesome sense of hope that I rise today in support of the position of the bi-partisan majority of the House Election Law Committee for Senate Bill 447. The House Election Law Committee supports Senate Bill 447 which creates the mechanism for the New Hampshire Clean Elections Fund. Senate Bill 447 is about cleaning up our elections. Senate Bill 447 is about the dreams of our children and Senate Bill 447 is about the hope of one elderly New Hampshire woman. Senate Bill 447 does not call the expenditure of state funds. I question seriously if the speakers before me, one of whom actually sits on the committee, read the bill. Senate Bill 447 does not call for the expenditure of state funds. Maybe I'll say that one more time, because obviously those who sat through the three-and-a-half-hour hearing, didn't hear that. Senate Bill 447 doesn't call for the expenditure of state funds. It doesn't call for the expenditure of funds of any kind. And, please do not be fooled by the wild theatrics and speculation of the opponents of scare tactics. Those are the same people that oppose every campaign finance reform bill that comes before this House. It simply creates the mechanism for the establishment of a fund for qualifying candidates for governor, executive council and state senate. It's not simply, go down to town hall or secretary of state and sign up and you get your check. If any of you have tried to raise 5,000 \$5 contributions and think that is an easy thing, you think just willy-nilly anyone is going to come out and be able to do that, that's simply not true. This would strictly be a voluntary choice for candidates to make and not every candidate would be able to meet the stringent qualifying conditions. But, the bottom line, folks, you are either for campaign finance reform or you're not. You are either for it or you're not. This is the most significant vote that this House has taken on campaign finance reform since 1989—eleven years. Earlier this year, the overwhelming majority of New Hampshire's voters of both political parties sent a message loud and clear and strong, not only across the Granite State but across the nation, that campaign finance reform is an issue that they care very much about. It may not be on your radar screen, but folks it's on theirs. In fact, a recent poll showed that more than 74 percent of New Hampshire citizens support Senate Bill 447 style campaign finance reform. The people know that we must act to stop the unbridled influence of special interests and we must stop the ever-increasing huge amounts of money needed simply to serve in public office in New Hampshire. This vote will be the only recorded campaign finance vote of this term. This vote will be the only recorded campaign finance reform vote this term. I ask you to think long and hard before you vote against your constituents. The House Election Law Committee heard nearly three hours of testimony favoring Senate Bill 447 and only one person opposed. We heard from Executive Councilor Peter Spaulding, former Republican candidate for Governor and State Senator, Jim Rubens and many leaders of Senator John McCain's presidential campaign. Senate Bill 447 draws support from people from all corners of the state and all walks of life. This issue has broad bi-partisan support and I ask my colleagues of both parties to put aside their partisan politics for the day and let us join together as one in support of campaign finance reform. Senate Bill 447 wipes the undue influence of the special interests as best we can. Senate Bill 447 will allow our candidates to campaign with the people and discuss the issues that matter to them and not have to spend endless hours every day pandering to simply the wealthy and influence peddlers. Senate Bill 447 is about the dreams of New Hampshire's children. For generations, New Hampshire's young people, while learning about democracy in their classroom, dream that someday they, too, could seek public office and help the citizens of New Hampshire. But, no longer. Instead, today they learn that the wealthy and the special interests control the system. They learn that being wealthy, well-connected or willing to sell your soul is now the real qualifier for public office in New Hampshire. No wonder young people, in a recent poll, ranked serving in public office dead last in career choices. During our hearing we heard from Dan Weeks, a high school junior from Temple. In his remarks, Dan stated, "Why would young people be inspired to run for political office when they see all around them that many of the candidates for higher office who lack political connections or large personal wealth have no real chance of really competing?" Dan called on us to restore the voice of the people to its rightful place as the primary influence in politics. Dan Weeks joins us today and is in the gallery. Let us start today to return that dream to New Hampshire's young people and restore their trust and belief in democracy by supporting Senate Bill 447. You know, over the years I've had many opportunities to stand at this podium and look across this great hall and look up into the gallery, but today is a first because today as I look up in the gallery, I see a true New Hampshire hero. Our special guest today, Doris Haddock of Dublin, bet-

ter known as Granny D, has joined us for this historic vote. In her 14-month long trek across this beautiful country, this great-grandmother drew national attention to the issue of campaign finance reform and rallied the people of America behind her. I ask each of you, I ask each of you take a second and look at your feet, then take a look at your index finger. Think about Granny D at 90 years of age. That's 90 years of age. There is nobody in this House that's 90 years of age, 90 years of age, walking across this nation from the Pacific to the Atlantic for 14 months. Think about her feet and then think about the fact that with a simple action of taking your index finger and pushing the green button you can show this New Hampshire hero, Granny D, that her walk across the nation was not in vain. I ask you to join the bi-partisan majority of both the House Election Law Committee and the state Senate in voting for the passage of Senate Bill 447 by pushing the green button. Thank you. And Madam Speaker, in the name of Granny D, I ask for a roll call.

## RECESS

(Speaker Sytek in the Chair)

### COMMITTEE OF CONFERENCE REPORT ON HB 1200

**HB 1200-FN**, relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief. (Report printed SJ 4/20/00)  
Adopted.

### ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 1127, 1185, 1258, 1264, 1268, 1272, 1282, 1301, 1321, 1413, 1502 and 1588 and Senate Bills 319, 352 and 377.

Rep. Lozeau, Sen. D'Allesandro for the Committee

### REGULAR CALENDAR (CONT'D.)

**SB 307**, relative to biosolids and short paper fiber. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Suzan L. Franks for the Majority of Environment and Agriculture: After much discussion, the majority of the Environment and Agriculture Committee believes it is of vital importance to provide further clarity to the public on this issue. This bill defines biosolids and short paper fiber as the sludge residues that have been treated, tested and stabilized, in accordance with state and federal regulations into a product that can be recycled and reused. By identifying this category of residuals as "biosolids" they will comply with RSA 485 and meet the standards for beneficial reuse specified by the Department of Environmental Services. Typical uses of these residuals were for fertilizer and landscape material. Vote 12-5.

Rep. Betty B. Hall for the Minority of Environment and Agriculture: SB 307 is another attempt to put into statute a "beneficial" context for sludge. A similar effort was defeated just two weeks ago by this House by a large margin. It is still the wrong time and the wrong place. DES has the authority to define terms under its current authority and does not need this bill. The jury is still out on the beneficial use of sludge.

Rep. Gary Johnson requested a quorum count. The Speaker declared a quorum present.

Rep. Gary Johnson spoke against.

Rep. Franks spoke in favor.

### MOTION TO LAY ON THE TABLE

Rep. McGuirk moved that **SB 307**, relative to biosolids and short paper fiber, be laid on the table. Rep. Musler requested a roll call; sufficiently seconded.

### YEAS 137 NAYS 197

YEAS 137

BELKNAP

CARROLL

Wood, Jane

Dickinson, Howard



**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	McGuirk, Paul	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Zerba, Roger	

**COOS**

Davis, Perley	Glines, Sara	Guay, Lawrence	Landers, Dana
Rodrigue, Robert			

**GRAFTON**

Akins, Ralph	Densmore, Jessica	Gilman, G Michael	Guest, Robert
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Solow, Martha

**HILLSBOROUGH**

Arthur, Rose	Bruno, Pierre	Buckley, Raymond	Burkush, James
Chabot, Robert	Cote, David	Curran, James	Daigle, Robert
Drabinowicz, A Theresa	Fields, Dennis	Ford, Nancy	Foster, Linda
Gagnon, Eugene	Garrish, Linda	Goley, Jeffrey	Gorman, Mary
Hall, Betty	Johnson, Lionel	Keye, Harvey	Konys, Christine
Lynde, Harold	McCarthy, William	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	Messier, Irene	Murphy, Robert	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fraser, Marilyn	French, Barbara
Gile, Mary	Jacobson, Alf	Langer, Ray	Moore, Carol
Owen, Derek	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whitemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Case, Margaret	Clark, Martha	Downing, Michael
Grant, Kenneth	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Lovejoy, Marian	Moore, Benjamin	Norelli, Terie
Noyes, Richard	Pitts, Jacqueline	Quandt, Marshall	Rabideau, Marie
Reardon, Neil	Sapareto, Frank	Shultis, Elizabeth	Splaine, James
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			

**STRAFFORD**

Bickford, David	Brennan, William	Brown, George	Callaghan, Frank
DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Pelletier, Arthur	Smith, Marjorie	Snyder, Clair
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

**NAYS 197****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David Jr	Chandler, Gene	Howard, Godfrey	Lyman, L Randy
Mock, Henry	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith

**CHESHIRE**

Hunt, John	Manning, Joseph	Meader, David	Roberts, William
Rose, William	Royce, H Charles	Russell, Ronald	Smith, Edwin

**COOS**

Gallus, John	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

**GRAFTON**

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Dudley, Terri	Hall, David	Harmon, Hobart	Marshall, Gene
Phinney, William	Picconi, Al	Scanlan, David	Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Calawa, Leon Jr	Carlson, Donald
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Craig, James
Dalianis, Griffin	Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Wall, Nancy	White, Donald		

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Feuerstein, Martin	Fortnam, Janet
Hess, David	Hoadley, Elizabeth	Kennedy, Richard	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Potter, Frances	Poulin, Dave
Rodd, Beth	Rosenfield, Jay	Soltani, Tony	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Katsakiores, George	Katsakiores, Phyllis	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Mary Lou
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Putnam, Ed II
Raynowska, Bernard	Ruffner, Walter	Sabella, Norma	Schanda, Frank
Shelton, Richard	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Weare, Everett	Welch, David	Whittier, John	Zolla, William

**STRAFFORD**

Berube, Roger	Cossette, Larry	McKinley, Robert	Musler, George
Rollo, Michael	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Torr, Franklin	Tsiros, William	Woods, Phyllis	

**SULLIVAN**

Jones, Constance	Kibbey, David	Leone, Richard	Young, David
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and the motion failed.

The question now being the adoption of the majority report.

Rep. Owen spoke against.

Rep. Tuthill spoke against and yielded to questions.

Rep. Melcher spoke in favor and yielded to questions.

Rep. Musler requested a roll call; sufficiently seconded.

**YEAS 219 NAYS 130****YEAS 219****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

**CARROLL**

Babson, David Jr	Chandler, Gene	Howard, Godfrey	Mock, Henry
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynott, Margaret	Manning, Joseph	Meador, David	Roberts, William
Rose, William	Royle, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			

**COOS**

Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr	Woodward, David		

**GRAFTON**

Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Dudley, Terri	Harmon, Hobart	Marshall, Gene	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Batula, Peter	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Calawa, Leon Jr	Christiansen, Lars	Clegg, Robert Jr
Cote, Peter	Craig, James	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston

McDonald, James Sr  
Mercer, Robert  
Mosher, William  
Pappas, Marc  
Rowe, Robert  
Wall, Nancy

McGough, Tim  
Milligan, Robert  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

McRae, Karen  
Moran, Edward  
O'Hearn, Jane  
Peterson, Andrew  
Simon, Anthony

Melcher, Harold  
Moriarty, Mary  
Ouellette, Dean  
Reeves, Sandra  
Tate, Joan

### MERRIMACK

Anderson, Eric  
Davis, Francis  
Hess, David  
Larrabee, David Sr  
Marple, Richard  
Potter, Frances  
Wallner, Mary Jane

Asplund, Bronwyn  
Feuerstein, Martin  
Hoadley, Elizabeth  
Lavoie, Gerard  
Marshall, Kenneth  
Poulin, Dave  
Whalley, Michael

Chase, George  
Fraser, Marilyn  
Kennedy, Richard  
Leber, William  
Maxfield, Roy  
Rosenfield, Jay  
Whittemore, James

Crosby, Toni  
Hager, Elizabeth  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
Soltani, Tony

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Cooney, Richard  
Dowling, Patricia  
Flanders, David  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Priestley, Anne  
Shelton, Richard  
Varrell, Thomas  
Welch, David

Beaulieu, Jon  
Case, Margaret  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Noyes, Richard  
Raynowska, Bernard  
Splaine, James  
Vaughn, Charles

Belanger, Ronald  
Christie, Andrew Jr  
Dearborn, Bruce  
Fesh, Robert  
Francœur, Sheila  
Hutchinson, Rebecca  
Langley, Jane  
McKinney, Betsy  
O'Neil, Michael  
Ruffner, Walter  
Stone, Joseph  
Verani, Giovanni

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Langone, John  
Morse, Charles  
Packard, Sherman  
Schanda, Frank  
Stitch, C Donald  
Weare, Everett

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
Spear, Barbara  
Vincent, Francis

Bickford, David  
Kaen, Naida  
Taylor, Kathleen  
Wall, Janet

Brown, Julie  
McKinley, Robert  
Torr, Franklin  
Woods, Phyllis

Cossette, Larry  
Musler, George  
Tsiros, William

### SULLIVAN

Flint, Gordon Sr

Kibbey, David

Leone, Richard

Young, David

### NAYS 130

### BELKNAP

Czech, Stanley

Wood, Jane

### CARROLL

Bradley, Jeb  
Sullivan, P Judith

Dickinson, Howard

Kenney, Joseph

Lyman, L Randy

### CHESHIRE

Batchelder, Robert  
Lynch, Margaret  
Pratt, John

Blaisdell, Michael  
McGuirk, Paul  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Riley, William

DePecol, Benjamin  
Pratt, Irene

### COOS

Gallus, John  
Ridrigue, Robert

Glines, Sara

Guay, Lawrence

Landers, Dana



**GRAFTON**

Akins, Ralph	Densmore, Jessica	Gilman, G Michael	Guest, Robert
Hall, David	Hinman, Harry	Johnson, Gary	Mirski, Paul
Nordgren, Sharon	Solow, Martha		

**HILLSBOROUGH**

Arnold, Thomas Jr	Baroody, Benjamin	Beaupre, Roland	Bruno, Pierre
Buckley, Raymond	Burkush, James	Carlson, Donald	Chabot, Robert
Cote, David	Curran, James	Daigle, Robert	Ford, Nancy
Garrish, Linda	Hall, Betty	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lynde, Harold	McCarthy, William
McColgan, Philip Jr	McDonough-Wallace, Alice	Messier, Irene	Murphy, Robert
Reidy, Frank	Sarette, John	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Daneault, Gabriel	Fortnam, Janet
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Owen, Derek	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Clark, Martha	Gibbons, Paul	Grant, Kenneth
Hamel, Albert	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Kelley, William	Lovejoy, Marian	Moore, Benjamin
Norelli, Terie	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Rabideau, Marie	Reardon, Neil	Sabella, Norma	Sapareto, Frank
Shultis, Elizabeth	Stickney, Nancy	Tufts, J Arthur	Weatherspoon, Jackie
Weyler, Kenneth	Whittier, John	Zolla, William	

**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Gilmore, Gary	Heon, Richard	Johnson, Nancy
Keans, Sandra	Knowles, William	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Twardus, Joseph
Vachon, Dennis			

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Jones, Constance	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the majority report was adopted.  
Ordered to third reading.

**SB 374**, relative to the duties of the study committee on land management, protection of farmland, rural character, environmental quality, and sprawl. **INEXPEDIENT TO LEGISLATE**  
Rep. Harold P. Melcher for Environment and Agriculture: The Committee agreed that the bill was unnecessary since the sprawl committee already has the ability and has the intention to do what the bill says. Vote 17-0.  
Adopted.

**SB 384**, establishing a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge. **REFER FOR INTERIM STUDY**  
Rep. Suzan L. Franks for Environment and Agriculture: Due to the lack of time, the committee was not able to give this bill proper review. However, the Environment and Agriculture Committee feels that the subject of pollution prevention and pretreatment of sewage sludge is important to our State and urges the House to support the vote of Interim Study on this matter. Vote 14-3.  
Adopted.

**SB 403-FN-A**, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms. **OUGHT TO PASS WITH AMENDMENT**  
 Rep. Kenneth R. Marshall for Environment and Agriculture: This legislation appropriates \$6,000 for hiring temporary and part time inspectors to check on the health of beehives. A fee will be charged to help offset the cost. Inspections have not been conducted for years and beehives are at risk of the disease foulbrood or are infected with two kinds of mites, which weakens the hive and all without the owner of the hive realizing the problem. It is critical that we start this program now because we must not lose the pollinators of our crops. The amendment appropriates the money annually and changes the effective date to "upon passage". Vote 16-0.

#### **Amendment (3987h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Agriculture, Markets, and Food; Inspection of Apiaries and Honeybee Swarms. The sum of \$6,000 is appropriated annually to the department of agriculture, markets, and food for the biennium ending June 30, 2001, and each year thereafter, for the purpose of inspection of apiaries and honeybee swarms. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill appropriates funds annually to the department of agriculture, markets, and food for the purpose of inspection of apiaries and honeybee swarms.

Adopted.

Report adopted and ordered to third reading.

**SB 408**, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals. **REFER FOR INTERIM STUDY**

Rep. James Phinizy for Environment and Agriculture: The companion bill, HB 1483, which established a study committee to review alternative practices on domestic animals, is currently in the Senate. It is felt that this bill can act as a vehicle for legislation as a result of that study committee's findings. Vote 13-3.

Adopted.

**SB 434-FN-L**, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Harold P. Melcher for Environment and Agriculture: The problem of fairness in the Department of Environmental Services fees for shooting range cleanup will be examined by an Environment and Agriculture study committee. In the meantime, this bill will prevent what the Committee felt was an unjust fee. Vote 14-2.

#### **Amendment (3955h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Hazardous Waste Cleanup Fund; Exemptions. Amend RSA 147-B:9 by inserting after paragraph IV the following new paragraph:

V. Soil that is a hazardous waste due to lead contamination resulting from the use of the area as a shooting range, provided that clean-up is initiated and completed by the owner in accordance with all applicable laws and department requirements.

2 Hazardous Waste Cleanup Fund Fees; Exemption for Town of Tilton for Removal of Target Range. The town of Tilton shall not be subject to the hazardous waste cleanup fund fees established in RSA 147-B:8 associated with its removal of the municipal target range initiated or completed before the effective date of this act.

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill exempts soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided that cleanup is initiated and completed by the owner in accordance with all applicable laws and department requirements. This bill also exempts the town of Tilton from such fees regarding removal of its municipal target range already initiated or completed before the effective date of this act.

Adopted.

Report adopted and ordered to third reading.

**HB 1624**, relative to administrative rules concerning sales of pari-mutuel pools. MAJORITY: REFER FOR INTERIM STUDY. MINORITY I: OUGHT TO PASS. MINORITY II: INEXPEDIENT TO LEGISLATE.

Rep. Michael O'Neil for the Majority of the Executive Departments and Administration: The majority of the committee strongly supports the position for interim study. During the deliberations on this bill, it was pointed out by several individuals that some eighteen plus departments, agencies and commissions currently have exemptions to administrative rulemaking, i.e. Sweepstakes Commission, New Hampshire Health and Education Authority to name just a few. The committee believes it would be more prudent to look at the issue of exemptions as it relates to all departments and commissions than to single out one state agency. Although an exemption from the administrative rulemaking process may have been in the public interest at the time, the need may no longer exist. Clearly, this issue is extremely important for legislative oversight, but the task cannot be accomplished in the limited time available. Vote 14-5.

Rep. David G. Poulin for Minority I of the Executive Departments and Administration: Three of the five minority members of the committee felt that this bill had merit. They felt that the pari-mutuel commission had overstepped its bounds by establishing a policy under their exempt rulemaking status that directly conflicted with a vote of the House of Representatives on February 18, 1998. This 1998 vote was on a motion of ought to pass regarding HB 1296 which would have allowed telephone-betting accounts at the racetracks. The ought to pass motion was defeated on the house floor by 50 votes. The pari-mutuel commission established a policy in 1999 to allow telephone accounts instead of coming back to the legislature for approval. HB 1624 would have provided an opportunity to reaffirm the policy making role of the legislature and would have corrected the exempt status on rulemaking that allowed the commission to usurp the policy making decisions of the legislature under their exemption from rulemaking status.

Rep. Carolyn A. Virtue for Minority II of the Executive Departments and Administration: This bill proposes the elimination of an exception to the rulemaking requirements of RSA 541-A granted to the pari-mutuel commission. This exception is limited to wagers on horse and dog racing. Several state agencies enjoy similar (or broader) exceptions to RSA 541-A and this bill singles out only the pari-mutuel commission. This limited exemption streamlines the administrative and operational procedures of the racing commission only as they relate to the pari-mutuel pools on horse and dog racing. The pari-mutuel commission does participate in the administrative rulemaking process for all other issues; furthermore, the commission currently has rules that have been approved through that process. The minority believes that this bill could cause a significant negative fiscal impact by reducing revenues received from simulcast wagering which would be limited if this bill were passed. Given the looming budget deficit, we do not believe legislation with a negative fiscal impact should be considered at this time.

Majority report adopted.

**SB 181-FN**, relative to the licensure of geologists. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Executive Departments and Administration: This bill establishes the board of professional geologists and authorizes the regulations of the practice, examination, licensure, and discipline of professional geologists. The professional geologists will become part of the joint board of professional engineers, architects, land surveyors, foresters and natural scientists. The amendment reflects a carefully crafted approach to "grandfathering" of geologists. The amendment was agreed to by the professional engineers and the professional geologists Vote 11-2.

Rep. Dyer moved Re-commit to Committee and spoke in favor.

Adopted.

Rep. Bruno declared a conflict of interest and did not participate.



**CACR 23**, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of monies received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all monies received from such income tax and all the interest received on such monies shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such monies shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Avis B. Nichols for the Majority of Finance: This CACR contains two, independent constitutional amendments, each of which would be put separately to voters. The first is relatively straightforward. It would dedicate all revenue from a new personal income tax to pay for public education IF such a tax were enacted. It would not, however, require that a new personal income tax be adopted.

The second is more complex. It would (1) acknowledge the state's responsibility to provide a public education; (2) grant to the legislature the power to determine the content, extent and funding of that public education; (3) limit judicial review of these issues to the traditional "rational basis" test, not the new "strict scrutiny" standard imposed by the court in the *Claremont* cases; (4) authorize the legislature to fund education in part with real estate taxes at locally set rates that might vary between municipalities; and (5) ensure that Art. 28-a. governs state education requirements.

The sponsors put the CACR forward in an effort to break the *Claremont* funding deadlock that divides the legislature. In the Senate, the CACR's dual provisions garnered votes from right and left. The thinking seemed to be that a new voice, the voice of the people, needed to be heard, and this CACR was a reasonable way for that to occur. The committee acknowledges with appreciation the extraordinary efforts that were required to bring forth this CACR.

However, other concerns prevailed in Finance. Some members felt that we are not a referendum state and that it would not be appropriate to conduct a referendum in the guise of a constitutional amendment. Indeed, it appeared that, as a referendum, the results would not be illuminating. It was unclear whether an affirmative vote on the first question would indicate support for an income tax or support for restricting the use of income tax revenues.

Other members felt that conditional amendments were inappropriate – that an amendment dedicating a tax to a specific purpose should be adopted only after, not before, the tax is imposed. Still others objected to restricting a major revenue source to any particular purpose, believing its use should be directed as future legislatures deem desirable to meet future needs. Members also doubted the wisdom of returning to the prior system of funding education through local property taxes at rates that varied between districts. A number did not wish to change the judicial review standard. Several members were unable to support even presenting to the voters the "other side's" position. Although none of these or other concerns that were voiced appeared to be supported by a majority of the committee, there was concurrence that for a variety of reasons the CACR should not go forward. Therefore, after rejecting an amendment that simplified the language, the committee voted to recommend that the bill be Inexpedient to Legislate. Further motions to reconsider and table were defeated. Vote 17-8.

Rep. Jean R. Wallin for the Minority of Finance: Once again the House has a chance to move forward in the school funding debate, and once again, if the majority report from the Finance Committee prevails, we will have lost the chance. Passing CACR 23 means that we take two very important questions to the voters, and inject an essential voice – the voice of the people – into what has become a deadlocked debate in the legislature. Defeating CACR 23 means that we once again tell the voters that we are simply unwilling to break out of deadlock and stalemate, that we would prefer to stand still rather than to allow them the opportunity to make their views known directly. It is true that New Hampshire is not a referendum state as far as our statutes are concerned. However, the Claremont decision invokes serious constitutional issues. Given the fact that constitutional



issues are at stake, it is entirely appropriate for the two questions contained in CACR 23 to be put before the voters.

Rep. Hager spoke against and yielded to questions.

Reps. Vaillancourt and Kurk spoke in favor.

Reps. Weyler and Wallin spoke against.

Reps. Major and Foster spoke in favor and yielded to questions.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 254 NAYS 91

### YEAS 254

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Rice, Thomas	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	Wood, Jane

#### CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Sullivan, P Judith

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Hunt, John	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Meador, David	Mitchell, McKim	Pratt, Irene
Richardson, Barbara	Riley, William	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

#### COOS

Davis, Perley	Gallus, John	Glines, Sara	Guay, Lawrence
Horton, Lynn	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr	Woodward, David		

#### GRAFTON

Akins, Ralph	Densmore, Jessica	Dudley, Terri	Gilman, G Michael
Guest, Robert	Hall, David	Hinman, Harry	Marshall, Gene
Mirski, Paul	Nordgren, Sharon	Phinney, William	Picconi, Al
Solow, Martha			

### HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Carlson, Donald	Clegg, Robert Jr
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Foster, Linda
Garrish, Linda	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Jean, Loren	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
MacGillivray, Jeffrey	McCarthy, William	McDonald, James Sr	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William

Murphy, Robert  
 Peterson, Andrew  
 Sargent, Maxwell  
 Vaillancourt, Steve

O'Hearn, Jane  
 Reeves, Sandra  
 Simon, Anthony  
 Wall, Nancy

Pappas, Marc  
 Reidy, Frank  
 Tate, Joan  
 White, John

Pepino, Leo  
 Rowe, Robert  
 Turgeon, Roland  
 Williams, Carol

### MERRIMACK

Anderson, Eric  
 Davis, Francis  
 French, Barbara  
 Kennedy, Richard  
 Marple, Richard  
 Nichols, Avis  
 Wallner, Mary Jane

Asplund, Bronwyn  
 Feuerstein, Martin  
 Hess, David  
 Larrabee, David Sr  
 Marshall, Kenneth  
 Potter, Frances  
 Whalley, Michael

Bouchard, Candace  
 Fortnam, Janet  
 Hoadley, Elizabeth  
 Lavoie, Gerard  
 Maxfield, Roy  
 Seldin, Gloria  
 Whittemore, James

Chase, George  
 Fraser, Marilyn  
 Jacobson, Alf  
 Lockwood, Priscilla  
 Moore, Carol  
 St Cyr, Gerard  
 Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
 Case, Margaret  
 Cooney, Richard  
 Fesh, Robert  
 Francoeur, Sheila  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Morse, Charles  
 Packard, Sherman  
 Ruffner, Walter  
 Stone, Joseph  
 Weatherspoon, Jackie

Arndt, Janet  
 Christie, Andrew Jr  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Katsakiores, George  
 Letourneau, Robert  
 Norelli, Terie  
 Priestley, Anne  
 Sabella, Norma  
 Tufts, J Arthur  
 Welch, David

Belanger, Ronald  
 Clark, Martha  
 Dowling, Patricia  
 Flanders, David  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Major, Norman  
 Nowe, Mary Lou  
 Raynowska, Bernard  
 Schanda, Frank  
 Varrell, Thomas  
 Whittier, John

Bishop, Franklin  
 Clark, Vivian  
 Downing, Michael  
 Flanders, John Sr  
 Henderson, Warren  
 Kelley, William  
 McKinney, Betsy  
 Noyes, Richard  
 Reardon, Neil  
 Shelton, Richard  
 Verani, Giovanni  
 Zolla, William

### STRAFFORD

Berube, Roger  
 Cossette, Larry  
 Johnson, Nancy  
 Rollo, Michael  
 Spear, Barbara  
 Twardus, Joseph  
 Woods, Phyllis

Bickford, David  
 Domingo, Baldwin  
 Keans, Sandra  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vachon, Dennis

Brennan, William  
 Dunlap, Patricia  
 Knowles, William  
 Snyder, Clair  
 Torr, Franklin  
 Vincent, Francis

Brown, George  
 Heon, Richard  
 Musler, George  
 Spang, Judith  
 Tsiros, William  
 Wall, Janet

### SULLIVAN

Burling, Peter  
 Phinizy, James

Cloutier, John  
 Robb-Theroux, Amy

Flint, Gordon Sr  
 Wiggins, Celestine

Kibbey, David

### NAYS 91

### BELKNAP

Boyce, Robert

Millham, Alida

Pilliod, James

Wendelboe, Francine

### CARROLL

Bradley, Jeb

Howard, Godfrey

Philbrick, Donald

### CHESHIRE

Doucette, Richard  
 Russell, Ronald

Manning, Joseph

McGuirk, Paul

Pratt, John

### COOS

Landers, Dana

### GRAFTON

Alger, John  
 Scanlan, David

Almy, Susan  
 Ward, Brien

Brothers, Richard

Johnson, Gary

**HILLSBOROUGH**

Arnold, Thomas Jr	Bruno, Pierre	Chabot, Robert	Christiansen, Lars
Fenton, James	Franks, Suzan	Gagnon, Eugene	Goulet, Maurice
Johnson, Lionel	Keye, Harvey	Lefebvre, Roland	Lynde, Harold
Martel, Andre	McCarty, Winston	McColgan, Philip Jr	McRae, Karen
O'Connell, Timothy	Ouellette, Dean	Sarette, John	White, Donald

**MERRIMACK**

Brewster, Richard	Daneault, Gabriel	Gile, Mary	Hager, Elizabeth
Langer, Ray	Leber, William	Owen, Derek	Poulin, Dave
Rosenfield, Jay	Soltani, Tony	Virtue, Carolyn	Wallin, Jean

**ROCKINGHAM**

Beaulieu, Jon	Cox, Russell	Dearborn, Bruce	Gleason, John
Grant, Kenneth	Griffin, Mary	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Langley, Jane	Langone, John
Lovejoy, Marian	O'Neil, Michael	Pitts, Jacqueline	Putnam, Ed II
Quandt, Marshall	Rabideau, Marie	Sapareto, Frank	Shultis, Elizabeth
Splaine, James	Stickney, Nancy	Stritch, C Donald	Vaughn, Charles
Weare, Everett	Weyler, Kenneth		

**STRAFFORD**

Brown, Julie	Callaghan, Frank	DeChane, Marlene	Gilmore, Gary
Kaen, Naida	McKinley, Robert	Pelletier, Arthur	Pelletier, Marsha

**SULLIVAN**

Allison, David	Donovan, Thomas Jr	Jones, Constance	Leone, Richard
Tuthill, John	Young, David		

and the majority report was adopted.

**CACR 39**, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total annual statewide cost of public education for kindergarten through grade 12 and that the general court shall have the power to apportion this amount by statute; that the state shall support access to a continuum of educational opportunities including early childhood and post secondary education at a financial level to be deemed appropriate by statute; and that beginning April 1, 2001, no property tax in any form shall be used to fund the state's obligation to cherish and support public education. **INEXPEDIENT TO LEGISLATE**

Rep. Kenneth L. Weyler for Finance: The general structure of the NH Constitution provides general guidelines for government with legislation providing details. This gives the legislature flexibility to make changes when it deems it necessary. This proposal does not increase the ability of the legislature to solve educational funding problems, but, in fact restricts action in two important areas. The state would be responsible for not less than 30% of K-12 education funding. This is an area of spending by local school districts where growth has been 8 to 10% annually for many of the past twenty years. The proposal also forbids the legislature the use of a statewide property tax for education funding. The committee saw no advantage to restricting options while we are all seeking solutions. Vote 21-4.

Rep. Peterson spoke against.

Rep. Weyler spoke in favor.

Rep. Vaillancourt requested a roll call; not sufficiently seconded.

On a division vote, 276 members having voted in the affirmative and 51 in the negative, the report was adopted.

**HB 1626-FN**, establishing a program to rebate certain excessive property tax payments of eligible taxpayers. **INEXPEDIENT TO LEGISLATE**

Rep. Linda T. Foster for Finance: The committee has previously reviewed the substantive provisions of this bill. The members support the bill's ultimate goal which is to provide uniform hardship property tax relief through a circuit-breaker process. However, the Department of Revenue

Administration, the New Hampshire Municipal Association and the New Hampshire Tax Collectors' Association all expressed concern with the mechanics and the administration of the bill. Moreover, with decreasing revenue projections, the sponsor's estimated \$10 million cost was found to be ill-timed. The committee believes that this policy should form the basis for future legislation during the next biennium when we are in a position to fund it. Vote 21-4.

Rep. Sapareto spoke against and yielded to questions.

Rep. Foster spoke in favor.

Rep. Vaillancourt requested a roll call; not sufficiently seconded.

On a division vote, 255 members having voted in the affirmative and 69 in the negative, the report was adopted.

**SB 311**, relative to the recovery of public assistance. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Alphonse A. Haettenschwiler for Health, Human Services and Elderly Affairs: This bill was passed to bring state law into compliance with federal law and clarifies the method by which liens are placed by the Department of Health and Human Services for the recovery of certain categories of assistance. The committee also made several additional minor changes to further clarify the intent of this legislation. Vote 10-4.

#### **Amendment (4109h)**

Amend the bill by replacing sections 3 and 4 with the following:

3 Recovery for Assistance Furnished. Amend RSA 167:13 to read as follows:

167:13 Recovery for Assistance Furnished.

***I. Except as provided in paragraph II***, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No claim shall be imposed against the real estate of a recipient of old age assistance or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse, or against any personal property of less than \$100 in value. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.

***II. Notwithstanding paragraph I, for medical assistance, no resources of the community spouse shall be deemed available to the institutionalized spouse during the continuous period in which an institutionalized spouse is in an institution, and after the month in which an institutionalized spouse is determined to be eligible for medical assistance benefits.***

***III. The department may waive adjustment or recovery in cases in which:***

***(a) It is not cost-effective to recover from an individual's estate; or***

***(b) Recovery would result in an undue hardship as determined in accordance with rules adopted pursuant to RSA 541-A.***

4 Claims and Liens. RSA 167:14 is repealed and reenacted to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance or aid to the permanently and totally disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property known to the department with prior notice and an opportunity for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services. The register of deeds



shall keep a suitable record of such notices of lien without charging any fee therefore and enter on the record an acknowledgment of satisfaction or release upon written request from the commissioner of the department of health and human services.

II. Subject to RSA 167:16-a, the estate of every recipient shall be liable for all medical assistance granted to the recipient, and the commissioner of the department of health and human services shall file a claim for recovery against the recipient's estate. No notice of lien may be filed against real property with respect to medical assistance except in conformance with RSA 167:16-a.

Rep. Emerton spoke against.

The amendment failed.

Rep. Emerton offered a floor amendment.

### Floor Amendment (4186h)

Amend the bill by replacing all after the enacting clause with the following:

1 Responsibility for Public Medical Assistance. Amend RSA 167:3-b to read as follows:

167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do not apply to the administration of medical assistance[~~except with respect to the spouse of the individual who needs medical care or services, or the parent of such individual, if said individual is under 21 or is either blind or permanently and totally disabled~~].

2 New Paragraph; Definitions. Amend RSA 167:6 by inserting after paragraph VII the following new paragraph:

VIII. For purposes hereof, the terms "spouse" and "surviving spouse" shall include anyone currently legally married to a recipient, or who was legally married to a recipient at the time of the recipient's death, and shall not include those to whom a legal separation has been granted by a court of competent jurisdiction.

3 Recovery for Assistance Furnished. Amend RSA 167:13 to read as follows:

167:13 Recovery for Assistance Furnished.

*I. Except as provided in paragraph II, if at any time during the continuance of assistance, the recipient or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount stated in the application, it shall be the duty of the recipient within 10 calendar days to notify the commissioner of the department of health and human services of the receipt or possession of such property or income. On the death of a recipient of old age assistance or aid to the permanently and totally disabled, the total amount of assistance paid under this chapter or RSA 161 shall be allowed as a claim against the estate of such person after payment of the charges in the priority set forth in RSA 554:19. No [claim] lien filed in accordance with RSA 167:14 shall be [imposed] extended to enforce recovery nor shall any sale be forced against the real estate of a recipient of old age assistance or aid to the permanently and totally disabled while it is occupied as a home by a surviving spouse[~~or against any personal property of less than \$100 in value~~]. The federal government shall be entitled, as long as required as a condition to federal financial participation, to such proportion of the net amount collected from the estate of a recipient of old age assistance or aid to the permanently and totally disabled as the federal participation bears to the total amount of assistance granted said recipient.*

*II. Notwithstanding paragraph I, for medical assistance, no resources of the community spouse shall be deemed available to the institutionalized spouse during the continuous period in which an institutionalized spouse is in an institution, and after the month in which an institutionalized spouse is determined to be eligible for medical assistance benefits.*

*III. The department may waive adjustment or recovery in cases in which:*

*(a) It is not cost-effective to recover from an individual's estate; or*

*(b) Recovery would result in an undue hardship as determined in accordance with rules adopted pursuant to RSA 541-A.*

4 Claims and Liens. RSA 167:14 is repealed and reenacted to read as follows:

I. The estate of every recipient and the estate of a recipient's spouse, if any, owned severally or as joint tenants, shall be liable for all financial old age assistance or aid to the permanently *and totally* disabled granted to the recipient; provided, however, that the estate of a recipient's spouse shall be liable only for such financial assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced. After providing all owners of the real property *known to the department* with prior notice and an opportunity

for a hearing, the commissioner of the department of health and human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien. Such notice of lien shall contain the names of the recipient and the recipient's spouse, if any. All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the commissioner of the department of health and human services. The register of deeds shall keep a suitable record of such notices of lien without charging any fee therefore and enter on the record an acknowledgment of satisfaction or release upon written request from the commissioner of the department of health and human services.

II. Subject to RSA 167:16-a, the estate of every recipient shall be liable for all medical assistance granted to the recipient, and the commissioner of the department of health and human services shall file a claim for recovery against the recipient's estate. No notice of lien may be filed against real property with respect to medical assistance except in conformance with RSA 167:16-a.

5 Enforcement of Assistance Liens; Restricted to Recipient Assets. Amend RSA 167:16, I-III to read as follows:

I. Assistance liens arising under this chapter or RSA 161 may be enforced by a bill in equity, or, in the case of liens against real estate which have been duly filed under RSA 167:14, by filing a timely and verified notice of lien with the probate court with jurisdiction over the estate of the recipient [~~or recipient spouse~~] and mailing a copy of said notice and a verified claim for recovery of assistance payments to the administrator of the estate.

II. The commissioner may enforce the liquidated amount of an assistance lien against real estate by filing a timely and verified notice with the probate court and submitting a timely and verified claim against the estate of the recipient [~~or recipient spouse~~] which sets forth the dates and amounts of assistance paid. Such claims shall be timely if filed within 6 months from the initial grant of administration for the estate in question.

III. *Notwithstanding RSA 556:5 and any other provision of law to the contrary*, the administrator of a recipient's estate [~~or the estate of a recipient's spouse~~] shall be conclusively presumed to have accepted a claim for recovery of assistance which is [~~the subject of a lien against real estate~~] subject to the jurisdiction of the probate court unless, within 12 months from the initial grant of administration, the administrator commences an equitable action in the superior court challenging the validity or amount of the commissioner's claim and lien.

6 Limitations on Recovery of Assistance. RSA 167:16-a, IV is repealed and reenacted to read as follows:

IV. Notwithstanding any provision of law to the contrary, there shall be no adjustment or recovery of medical assistance correctly paid on behalf of such an individual, except from the estate of an individual who was 55 years of age or older when the individual received such assistance, and then only after the death of the surviving spouse, if any, and only at a time when:

(a) The individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.

(b) In the case of a lien on an individual's home under subparagraph I(b):

(1) No sibling of the individual who was residing in the individual's home for a period of at least one year immediately before the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded and is lawfully residing in such home on a continuous basis since the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded.

(2) No son or daughter of the individual who was residing in the individual's home for a period of at least 2 years immediately before the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded and who establishes to the satisfaction of the state that he or she provided care to such individual which permitted such individual to reside at home rather than in an institution and is lawfully residing in such home and has done so on a continuous basis since the date of the individual's admission to the medical institution, nursing facility, or intermediate care facility for the mentally retarded.

7 Effective Date. This act shall take effect January 1, 2001.

Rep. Emerton spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**HB 1452**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter H. Burling for Legislative Administration: Following the recommittal of this bill to committee, a good deal of effort was expended trying to perfect this codification of existing powers of the legislative facilities committee. The members of the committee believe that the current form of the bill as amended properly consolidates the powers of legislative facilities. The bill does not intend an expansion of those powers, nor a contraction of them. It just tells the people what those powers are so the public can know. Vote 13-0.

#### **Amendment (4048h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** codifying the powers and duties of the joint committee on legislative facilities.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Joint Committee on Legislative Facilities; Powers and Duties. Amend RSA 17-E by inserting after section 5 the following new section:

17-E:6 Powers and Duties. The committee shall have the following powers and duties:

I. To enter into contracts and hire consultants.

II. To review and approve all joint legislative budgets.

III. To hire the personnel of all joint legislative service agencies, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4.

IV. To establish salary schedules and benefits for all employees of all joint legislative service agencies or departments, except the legislative budget assistant and the employees of the legislative budget assistant governed by RSA 14:30 and RSA 14:34 and the additional employees appointed by the director of legislative services pursuant to RSA 17-A:4. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.

V. To provide necessary furniture, stationery, and other supplies and equipment for the use of the committees and offices of the general court.

VI. To study ways and means to improve legislative operation, organization, procedures, facilities, and working conditions.

VII. To designate the use of the facilities under control of the legislature in the state house and to designate the use of the legislative office building and the Upham Walker house.

VIII. To establish rules of procedure for the conduct of the business of the committee.

IX. To perform such other duties and responsibilities as may be assigned to the committee from time to time by the house or the senate.

2 Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491, 1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

3 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill codifies the powers and duties of the joint committee on legislative facilities.

Adopted.

Report adopted and ordered to third reading.

**HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. **REFER FOR INTERIM STUDY**



Rep. Betsey L. Patten for Municipal and County Government: Approximately 340 property owners at Green Hills Estates in Raymond live with an apparent injustice, which stems from a paper subdivision that was not properly laid out many years ago. The Municipal and County Government Committee previously studied the issue, created a process to address the injustice and HB 160 was passed and enacted in February 1997. Some of the title and mortgage companies still refuse to insure or lend money to the current owners. The insurers and lenders continue to maintain there are title problems regarding this property and question the legislatures' ability to effect the solution. The sponsors felt that a declaratory judgement by the Attorney General would resolve the issue. However, there are potential constitutional issues involving the legislature requiring the Attorney General to act in any specific manner. After the public hearing, an alternative method was explored which would involve asking the New Hampshire Bar Association, the offices of the Attorney General and the Speaker of the House to work together with the Raymond property owners at Green Hills Estates to find a way to "quiet title" and/or issue "corrective deeds." A meeting is presently being scheduled to discuss this approach and if successful the proposal would be presented to the Raymond property owners. A majority of the Committee felt that Interim Study would give the alternative method a chance to work. Vote 11-5.

### LAID ON THE TABLE

Rep. Patten moved that **HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond, be laid on the table.  
Adopted.

### REGULAR CALENDAR (CONT'D.)

**SB 339-FN**, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth. **OUGHT TO PASS**

Rep. Elizabeth C. Shultis for Public Works and Highways: This bill directs the Department of Transportation to conduct a feasibility study of various alternative designs to enhance safety at the traffic circle in Portsmouth. Recognizing the traffic volume and safety concerns at this junction of I-95, Spaulding Turnpike, Route 1-A and Route 4, a circle that was designed for traffic in the 1940's, the committee voted to ask the DOT, using existing budgetary allocations, for funding. Vote 11-7.  
Adopted and ordered to third reading.

**SB 455**, relative to campgrounds. **OUGHT TO PASS**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill closes a loophole in campground wastewater statutes. Presently, recreation camping cabins are not included in regulations concerning test sites and recreational vehicle sites. This bill includes recreational cabins in the requirements for approved sewage disposal system. It also requires a minimum of 1,000 square feet be provided for new cabin campsites. Vote 13-1.  
Adopted and ordered to third reading.

**HB 1618**, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: As introduced, HB 1618 would have required the legislature to approve any merger involving an electric utility in New Hampshire that serves 50% or more of the customers in the state. Legislative approval of such a merger would be required in addition to the normal review process at the Public Utilities Commission (PUC). As introduced, the bill would apply only to Public Service of New Hampshire. There were three long work sessions on this bill and several amendments introduced. One amendment would have expanded the requirement of legislative approval of mergers to all electric utilities in the state. A second amendment would also have required legislative approval of any merger when a utility was requesting securitization as PSNH has in the proposed Settlement. During a second public hearing these amendments, and two others, were discussed. In executive session the sponsor moved ought to pass on the amendment which would have required legislative approval of a merger only for utilities requesting securitization. That motion failed 5-15. A subsequent motion of Refer for Interim Study passed 17-3. Despite having sympathy for the sponsor's goals, the major-



ity of the committee believes Interim Study is a more appropriate action. The amendment turned down by the committee, and the bill as introduced, all applied only to PSNH – the only electric utility serving more than 50% of the customers in New Hampshire, or that has requested securitization. The majority is concerned about the obvious constitutional issues raised by legislation intended to apply to only one company, regardless of how it is worded. To be constitutional, the bill would likely need to apply to all electric utilities, and perhaps to other regulated utilities such as gas, water and telecommunications. It was also the intent of the sponsor that if HB 1618 became law, legislative approval would be required for the proposed merger between PSNH's parent company Northeast Utilities and Consolidated Edison. Since that merger application was filed with the PUC on January 18, 2000, enacting HB 1618 and having it apply to the already filed merger would raise serious questions of retroactive application of a new statute and would almost surely lead to further litigation. In addition to constitutional issues, the majority was also concerned that requiring the legislature to approve prospective utility mergers would have a negative business effect on the state's regulated utilities. New Hampshire would become the only state that required a legislative vote to approve an electric utility merger. The committee also discussed whether the bill could be replaced with additional authority for the PUC. A key question examined by the committee was whether the PUC's current statutory authority over utility mergers was adequate. RSA 369, updated in 1999, provides expedited review of mergers that will cause no net harm, while still allowing the PUC complete authority to examine whether a merger is in the public interest, a more rigorous standard, if there is any possibility that the merger may cause future harm to consumers. The PUC had no difficulty requiring that the more stringent test be met in the 1999 Granite State Electric merger. Finally, the majority did not agree with the argument that legislative approval of mergers was necessary for customers to get the benefits of the cost savings such a merger would provide. The PUC has sufficient authority to open a rate case at any time such benefits are available. As a result, the majority believes that existing statutes give the PUC sufficient regulatory authority to protect the interests of New Hampshire customers in the proposed PSNH merger. The PUC also has the necessary technical expertise to review mergers. The PUC can and should apply the public interest standard to any merger involving PSNH, including the proposed merger with Consolidated Edison. The majority of the committee also believes that the proposed PSNH merger must be reviewed under existing law, not prospective law, in order to avoid legitimate issues of retroactive application of a new statute. Interim study will allow the committee to review all issues raised in this discussion. Vote 17-3.

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: The minority will seek to amend this bill to require that in the event of a merger of an electric utility receiving the proceeds of securitization, that the legislature would have to approve the merger through appropriate legislative action. If a utility does not wish to have a merger of their company needing the approval of the legislature, they do not have to seek or receive securitization. The minority believes that failure to approve this legislation would represent a missed opportunity by the legislature to improve savings for New Hampshire ratepayers.

Rep. Howard spoke against.

Reps. Gilmore and Donald White spoke against and yielded to questions.

Reps. MacGillivray, Norelli and Bradley spoke in favor.

Rep. Gilmore requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 252 NAYS 42

### YEAS 252

#### BELKNAP

Boyce, Robert  
Millham, Alida  
Russell, David

Holbrook, Robert  
Pilliod, James  
Turner, Robert

Johnson, James  
Rice, Thomas  
Wendelboe, Francine

Lawton, David  
Rosen, Ralph  
Wood, Jane

#### CARROLL

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Batchelder, Robert  
Lynch, Margaret  
Mitchell, McKim  
Royce, H Charles

Blaisdell, Michael  
Manning, Joseph  
Pratt, Irene  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Richardson, Barbara

Doucette, Richard  
Meador, David  
Riley, William

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Rodrigue, Robert

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Almy, Susan  
Hinman, Harry  
Picconi, Al

Densmore, Jessica  
Marshall, Gene  
Scanlan, David

Dudley, Terri  
Nordgren, Sharon  
Ward, Brien

Hall, David  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Bergeron, Lucien  
Buckley, Raymond  
Christiansen, Lars  
Craig, James  
Daniels, Gary  
Drabinowicz, A Theresa  
Fields, Dennis  
Foster, Linda  
Holley, Sylvia  
Johnson, Lionel  
L'Heureux, Robert  
Leishman, Peter  
Martel, Andre  
McRae, Karen  
Milligan, Robert  
Murphy, Robert  
Pepino, Leo  
Rowe, Robert  
Turgeon, Roland

Alukonis, David  
Batula, Peter  
Bergin, Peter  
Calawa, Leon Jr  
Clegg, Robert Jr  
Curran, James  
Dawe, Eileen  
Durham, Susan  
Fletcher, Richard  
Gagnon, Eugene  
Hunter, Bruce  
Keye, Harvey  
LaRose, Richard  
Leonard, Peter  
McCarty, Winston  
Melcher, Harold  
Moran, Edward  
O'Connell, Timothy  
Peterson, Andrew  
Sarette, John  
Vaillancourt, Steve

Andrews, Frederick  
Beaupre, Roland  
Brundige, Robert  
Carlson, Donald  
Cote, David  
Daigle, Robert  
Desmarais, Vivian  
Dyer, Merton  
Flora, Kathleen  
Goulet, Maurice  
Jean, Claudette  
Kony, Christine  
Lasky, Bette  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Mercer, Robert  
Moriarty, Mary  
O'Hearn, Jane  
Reeves, Sandra  
Sargent, Maxwell  
Wall, Nancy

Arnold, Thomas Jr  
Belvin, William  
Bruno, Pierre  
Chabot, Robert  
Cote, Peter  
Dalianis, Griffin  
Dokmo, Cynthia  
Emerton, Lawrence  
Ford, Nancy  
Herman, Keith  
Jean, Loren  
Kurk, Neal  
Lefebvre, Roland  
MacGillivray, Jeffrey  
McGough, Tim  
Messier, Irene  
Mosher, William  
Pappas, Marc  
Reidy, Frank  
Simon, Anthony

**MERRIMACK**

Anderson, Eric  
Chase, George  
Gile, Mary  
Larrabee, David Sr  
Maxfield, Roy  
Poulin, Dave  
Whalley, Michael

Asplund, Bronwyn  
Daneault, Gabriel  
Hager, Elizabeth  
Leber, William  
Moore, Carol  
Seldin, Gloria  
Whittemore, James

Bouchard, Candace  
Davis, Francis  
Hess, David  
Lockwood, Priscilla  
Nichols, Avis  
Soltani, Tony

Brewster, Richard  
Fortnam, Janet  
Kennedy, Richard  
Marshall, Kenneth  
Potter, Frances  
Wallner, Mary Jane

**ROCKINGHAM**

Abbott, Dennis  
Bishop, Franklin  
Clark, Vivian  
Downing, Michael  
Flanders, John Sr  
Grant, Kenneth  
Kane, Cecelia  
Kobel, Rudolph  
Lovejoy, Marian

Arndt, Janet  
Case, Margaret  
Cooney, Richard  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Langley, Jane  
Major, Norman

Beaulieu, Jon  
Christie, Andrew Jr  
Cox, Russell  
Flanagan, Natalie  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Langone, John  
McKinney, Betsy

Belanger, Ronald  
Clark, Martha  
Dearborn, Bruce  
Flanders, David  
Gleason, John  
Johnson, Robert  
Kelley, William  
Letourneau, Robert  
Norelli, Terie

Nowe, Mary Lou  
 Priestley, Anne  
 Reardon, Neil  
 Schanda, Frank  
 Stone, Joseph  
 Weare, Everett  
 Zolla, William

Noyes, Richard  
 Putnam, Ed II  
 Ruffner, Walter  
 Shelton, Richard  
 Stritch, C Donald  
 Weatherspoon, Jackie

O'Neil, Michael  
 Rabideau, Marie  
 Sabella, Norma  
 Shultis, Elizabeth  
 Tufts, J Arthur  
 Welch, David

Pitts, Jacqueline  
 Raynowska, Bernard  
 Sapareto, Frank  
 Splaine, James  
 Varrell, Thomas  
 Whittier, John

### STRAFFORD

Brennan, William  
 Domingo, Baldwin  
 Keans, Sandra  
 Pelletier, Marsha  
 Spear, Barbara  
 Woods, Phyllis

Brown, Julie  
 Dunlap, Patricia  
 Knowles, William  
 Rollo, Michael  
 Taylor, Kathleen

Cossette, Larry  
 Johnson, Nancy  
 McKinley, Robert  
 Smith, Marjorie  
 Twardus, Joseph

DeChane, Marlene  
 Kaen, Naida  
 Pelletier, Arthur  
 Snyder, Clair  
 Wall, Janet

### SULLIVAN

Burling, Peter  
 Kibbey, David

Cloutier, John  
 Leone, Richard

Flint, Gordon Sr  
 Young, David

Jones, Constance

### NAYS 42

### BELKNAP

None

### CARROLL

Dickinson, Howard

Howard, Godfrey

### CHESHIRE

Pratt, John

Rose, William

### COOS

None

### GRAFTON

Akins, Ralph  
 Mirski, Paul

Alger, John

Guest, Robert

Johnson, Gary

### HILLSBOROUGH

Dwyer, Paul Sr  
 Gorman, Mary  
 White, John

Fenton, James  
 Hall, Betty  
 Williams, Carol

Franks, Suzan  
 McColgan, Philip Jr

Garrish, Linda  
 White, Donald

### MERRIMACK

Fraser, Marilyn  
 Marple, Richard  
 Yeaton, Charles

French, Barbara  
 St Cyr, Gerard

Jacobson, Alf  
 Virtue, Carolyn

Langer, Ray  
 Wallin, Jean

### ROCKINGHAM

DiFruscia, Anthony  
 Stickney, Nancy

Hamel, Albert  
 Vaughn, Charles

Packard, Sherman  
 Verani, Giovanni

Quandt, Marshall  
 Weyler, Kenneth

### STRAFFORD

Gilmore, Gary

Vachon, Dennis

### SULLIVAN

Donovan, Thomas Jr  
 and the majority report was adopted.

Phinizy, James

Tuthill, John

Wiggins, Celestine

Rep. Solow declared a conflict of interest and did not participate.

**DEBATE ON HOUSE BILL 1618**

Rep. Tuthill moved that the debate be printed in the Journal.

On a division vote, 150 members having voted in the affirmative and 137 in the negative, the motion was adopted.

Rep. Howard: Thank you, Madam Speaker. I rise in opposition to the committee report and in support of the minority recommendation. Ought to Pass. This bill began life as a vehicle to insert the legislature into merger approvals in the electric utility business. As it wound its way through the hearing and work-session process it was progressively amended, almost to death, to the point where most committee members just wanted to go back to the drawing board and start again from ground zero. We in the minority ask your indulgence to explain why we think the basic idea is a good one, partly because we believe the subject of mergers will come before the legislature again. Those of you who took the time to read the very extended blurb will have noted one objection raised was that the bill was unconstitutional. As a Jeffersonian conservative myself, I believe the elective branch of government has every right and even the duty to pass legislation which is right and in the best interests of its constituents. We in the legislature have no expertise to decide constitutional issues. They can best be left to the courts later on if someone wishes to bring suit. A more serious objection also in the blurb was that such a statute would have a negative business effect on regulated companies in New Hampshire. This was the industry argument. They argued that an already poor business climate would be chilled even more by this bill. I was lobbied hard on this subject, but I can't escape the feeling that such an argument is nothing more than self-serving propaganda. It's hard to argue today that the business climate in this state is negative at a time when New Hampshire leads all New England, and much of the rest of the country, in most measures of economic activity, including kilowatt hour sales of electric power, which are up 8.6 percent year-over-year with our closest competition up only 4.6 percent. But, why did the sponsor zero in on mergers and want to provide another avenue for review other than the Public Utilities Commission? What's wrong with mergers anyway? Actually, mergers are neither good nor bad intrinsically, but my 35 years in the investment business have taught me that many of them bring more harm, especially to the average consumer, than they bring good. I ask you, who will be more watchful over the interests of consumers and ratepayers, three appointed regulators or the voters' representatives whom they elect every two years? If all a citizen has to defend his or her best interest is the Public Utilities Commission and us, why not have the legislature in the loop? There have been many studies made of takeovers and they have all reached the same conclusion, namely the majority of mergers, 65 percent or more, do not deliver the benefits the partners claimed they would, but damage the interests of those they were supposed to benefit. Some of them even turn into disasters and have to be unwound. One extensive study of mergers by an economics professor at NYU was turned into a book called The Synergy Trap. In it he asked why managers should pay a big premium to make an acquisition when their shareholders could invest in the target company themselves at market prices. How sure are the managers that the cost-saving from the merger will compensate for the size of the acquisition premium? In the case of utility mergers, management hopes the premium will be recovered from ratepayers' bills. Given how heavily the odds are stacked against successful mergers, top management enthusiasm for them is curious. Of course, right now they are easier to pull off than normally because hyper-inflated stock values enable the use of what I call "bongo bucks" as the acquiring tool. But still, shouldn't managers consider whether the time and expense could be employed better elsewhere, say in improving customer service? Even in countries with high divorce rates, marriages have a better success rate than mergers. My duty as a member of the House is to look after, as best I can, the welfare of my constituents. If I'm presented with a merger on a take-it-or-leave-it basis, I'm denied that opportunity. There is a world-class money manager out in Omaha, Warren Buffett, whose long-term investment record is unparalleled. I'd like to close by sharing with you his thoughts on this subject. He refers to the myth of the princess and the toad. "Many acquisitive managers," he says, "see themselves as princesses whose kisses could turn toads into handsome princes, but investors can always buy toads at the going price for toads. If, instead, they bankrolled princesses who want to pay high prices for the right to kiss the toads, those kisses better pack some real dynamite, but managerial princesses remain serenely confident about the potency of their kisses even after their corporate backyards are knee deep in unresponsive toads." Thank you, Madam Speaker.

Rep. MacGillivray: Thank you, Madam Speaker. Ladies and gentlemen, I rise in support of the majority committee report of Refer for Interim Study on House Bill 1618. The subject matter of



this bill is simple. First, should the legislature be required to approve mergers or other restructurings of large electric utility corporations? Second, should we make sure that when mergers occur and cost savings result, that the cost savings go to our rate payers and not stockholders and how should we make that happen? I suggest that the answers to these questions are, no, the first isn't necessary and, yes, the second can be done in other ways. Rep. Bradley will later discuss the history of this subject matter, but Rep. Norelli and I will focus just on basic principles. First, legislative approval of mergers is a really bad idea. It's not our expertise. We don't know anything about it. One of the principles of deciding issues like this is that there should be one standard for all companies. That is something that works fairly well when a judicial body looks at a standard and decides: does this merger meet this standard or not? If the standard is: it needs 201 voted here, 13 next door and the signature of the governor, it's not clear that this standard applies. There is a possibility of unequal treatment to different companies. The Public Utilities Commission is a much better place for examining and approving mergers. They look at a judicial standard. Does this meet it; does this not? They are a quasi judicial process, they hear testimony and they can adopt an even standard. We'd be the only state in the country that says don't handle this in front of a utility commission. Handle it in front of a legislature. Then you have the problem: of the sponsors want this to apply retroactively to a merger already under way and already filed for and they want it to apply to just one company. There are constitutional impediments for a good reason for retroactive laws and laws that single out one company. My second point is that we can handle the problem of making sure that the cost savings go to the ratepayers in a much easier way. Without any additional legislation, the Public Utilities Commission can open a rate case at any time as the merger benefits unfold, get implemented, get seen, they can drag the company in for a rate case, look at their costs and demand that rates be lowered. It is really that easy. If we don't like the frequency they are doing it, we can write laws that tell them to do it more often and, indeed, I proposed an amendment to this bill that would have done just that and ordered that rate cases occur, not more than a certain length of time after a major merger, but the committee decided, I believe justly, that studying this over the summer rather than doing it in a hurry was a better idea. The PUC will have this authority. And finally, we've been asked to enact some legislation that will have something to do with this merger. It is in the process of being introduced. The Senate hearing will be a little more than a week from now and it will occur just after yesterday's PUC order relative to this whole deal with Public Service of New Hampshire. Our consultants have urged us to put in provisions regarding, if this company merges, some additional lowering of rates will be required. It was urged by the consultants; it was spoken of by Representative Bradley in his testimony to the PUC. It was supported by the oversight committee; it was supported by the House committee; it was supported by the Senate committee. My strong hunch is that by the time that bill leaves the Senate and hits us, the issue is going to be taken care of there and if it doesn't, the House Science, Technology and Energy Committee will make sure that it does. So, I don't think this is necessary. I don't think this is desirable and I urge you to support the recommendation of the 17-to-3 majority of the House Science, Technology and Energy Committee of Refer for Interim Study. Thank you.

Rep. Gilmore: Thank you, Madam Speaker. I'm a little bit perplexed in listening to the previous remarks. Obviously, you know, we've embarked on a path, a path that now has New Hampshire and will continue to have New Hampshire, almost certainly, with the highest rates in the nation. This bill represents an opportunity, it is an opportunity we can turn our back on, but it is an opportunity and an opportunity that will not come again for another 10, 15 or 20 years. We're talking about a company whose revenue exceeds this state's, whose revenue will exceed this state's by a factor of five or six. We are talking about a company that will focus all its resources upon this state to extract what it needs and will likely prevail. It is only at the time of merger that you have some leverage. Maybe you agree with the previous speakers and all speakers that legislative approval of mergers is ridiculous and a bad idea. Maybe you believe you don't have a voice and you deserve a voice. Folks, if you believe that then you should vote as the majority does. But, if you want to try to make a difference, if you want to try to say, stop we can do something because you can. If you want to empower yourself, because you are a sovereign state, because you have the power to pass laws, this is your opportunity. This is your opportunity to be heard as a legislature, as something, as a body that wishes to respond to what is the reality in this world. Our laws governing the PUC date back to the 1920s when we dealt with small local companies and the state had the resources to counter those, to look at those and to achieve reasonable returns and satisfy all parties.

That is not the case anymore. We are talking about mega-huge corporations that are now able to focus on individual states and extract what they need. You might think that we are asking for too much but the state of Connecticut doesn't believe that and they are opposed to this merger. They believe they are being taken over the barrel by this corporation. They don't believe the residents of Connecticut are getting a fair deal and it isn't likely the residents of New Hampshire will either. All this bill does, and it is a very, very simple bill as we propose to amend it, all this bill does is say that if you securitize, if you get the proceeds from securitization, if the state gives you that guarantee, that irrevocable guarantee, irrevocable, if we securitize we are guaranteeing that our residents will pay those rates for 12 years. It is a guarantee; it is irrevocable. The residents will pay; those who stay on the grid will pay those rates. Under that circumstance, and only under that circumstance, will the legislature need to approve a merger. To get to securitization to have to pass legislation, and in this case we are talking about a company that is asking for legislation that gives them, up front, \$725 million, up front, cash payment, up front. If we are willing to do that to our residents, if we are willing to say you must pay those costs for the next 10 to 12 years, why can't we also say, if you merge we want to have that approval process, we want to look at it, which is the historical nature of the legislature. The legislature did have to, historically was involved in the corporations, was involved in this area. This isn't that beyond our ken, this isn't beyond our expertise. If a corporation can come in here and convince us that we should give them up front, \$700 million, \$800 million dollars, I bet they can come in here and get legislation that says hey, this merger is a good deal too. All the bill asks for is a very simple thing, that if we are going to mandate securitization upon our residents then we also should have a say as to their merger also so that we can have a fair deal, something the people of New Hampshire will benefit from. That is all we are seeking, in those unique circumstances would this bill be applicable. Thank you for your attention.

Speaker Sytek: Would the member yield to a question? Rep. Rose, you may inquire.

Rep. Rose: Thank you, Madam Speaker. Gary, don't you think we ought to tell the people how long it's going to be before they pay for stranded costs?

Rep. Gilmore: Well, we'll be paying for the next 12 years or longer, certainly.

Rep. Rose: I read it is going to be before stranded costs are all paid up, it's going to be 2024.

Rep. Gilmore: That's before all stranded costs are paid. It would be 2024.

Rep. Rose: Do you think that if we let this happen, that Northeast Utilities and PSNH get their way, do you think they are going to give up their generating plants, really?

Rep. Gilmore: I'm sure Northeast Utilities, Consolidated Edison out of New York/New Jersey, will do what's in the best interests of their stockholders, not in the best interests of the ratepayers of New Hampshire. Whatever they determine it to be, they will certainly do that.

Rep. Rose: Do you think that really the governor's aim is going to come, that there is going to be competition here in New Hampshire electric when we see that Northeast Utilities is going to merge and they will be the biggest electric company in the country? Isn't that right?

Rep. Gilmore: I believe ConEd already is the biggest distribution electric utility in the nation. Certainly with this merger they will become far greater. Their headquarters will move farther away and yes, we will be dealing much more with a foreign then we do with the local.

Rep. Rose: Do you really think that the biggest electric company in New England and the country after they get power, do you think they will give up that power by giving up their generating facilities without going to court down in Rhode Island and seeing that friendly judge and have him say that they don't have to give it up?

Rep. Gilmore: It's hard to guess what they will do. The certainty is they will do what they think they will make the greatest profit from. If they can make greater profit from unregulated sale of energy in a not competitive market they will do that and we will pay higher rates as a result.

Rep. Rose: Didn't Teddy Roosevelt do a good thing when he attacked the big trusts and the big mergers back in 1904?

Rep. Gilmore: I believe he did.

Speaker Sytek: Will the member yield to another question? Rep. Brown, you may inquire.

Rep. George Brown: Rep. Gilmore, we talk about mergers but isn't there a federal law, the Sherman Anti-Trust, that should be investigating these problems with large companies overcoming some of the territories?

Rep. Gilmore: That is certainly true. The unfortunate thing is these mergers are so large that they are sort out of the ken of what we can fight anymore. When you think of the resources that they

can spend freely, and that the state cannot, we're talking about companies with assets that are unimaginable for us. That is certainly not a level playing field any longer. The playing field has long been tipped.

Rep. Norelli: Thank you, Madam Speaker and members of the House who have hung in here with us. I rise in support of the committee report of Interim Study. With respect to utility mergers, it has been the tradition in New Hampshire, as well as in other states, for the legislature to have the role of setting the standard by which a particular merger is judged to be a good one or not for the ratepayers of that state. It has been the legislatures that have delegated this authority to the Public Utilities Commission to actually make the determination whether or not a particular merger meets that standard. I believe that the reason that we do this is because the skills that are necessary to make these determinations fall appropriately under the regulatory function of something like the Commission. Unlike the legislature, the Commission has the staff and the time and the special expertise in these areas to efficiently, effectively and appropriately investigate and analyze all of the consequences of a particular merger in terms of what it would mean to the ratepayers of the state in terms of their rates, services, reliability, issues that I have to say I'm not sure that I feel comfortable making those kinds of determinations. In fact, there are no other states in the country that provide legislative approval for utility mergers. Generally speaking, in other states the standard that is set is that of public interest or public good, although in a few states, usually those with deregulation in place, some additional criteria may also be added to that and most states also provided for an expedited review process. In New Hampshire, what we have, first of all, is an expedited review process under RSA 369:8. If the Public Utilities Commission determines that there is any possibility of an adverse affect to the rates, terms, services or operations after a particular merger then the standard that they would refer to is the standard set under RSA 374:33 that of Public Interest. There have been two recent utility mergers in this state: Energy North and Granite State Electric. Under both of these utility mergers, the Public Utilities Commission has analyzed these and made the determination under 374:33 which is the public interest standard. If we have all of this in place and it seems to work, I have to ask myself: What is the goal of this legislation? What would be accomplished by doing this? Well, if the supporters believe that the standard that we have set in place, which, by the way, we set in place at the end of the last legislative session, is too low then perhaps they should have come in with legislation that changed the standard. If they think that the Public Utilities Commission is not doing their job then I have to wonder why it would only apply to PSNH. Why would not Granite State Electric customers and Unitol customers be expected to benefit from the same kind of legislative approval process? Ultimately, I believe that we have the appropriate process in place, contrary to what Rep. Gilmore said. I believe that we do have a voice and our voice is, we have set the standard. Public Utilities Commission, you need, when you are making your determination you have to make sure that this merger lives up to the standard that we set and, Public Utilities Commission do your job and make that determination. There were a few issues that arose as Rep. MacGillivray told you about that standard and, therefore, the committee determined that perhaps we should take a little bit more time to consider those issues and voted 18-3, Interim Study. I would ask that you support the committee report of Interim Study. Thank you.

Rep. Donald White: Thank you, Madam Speaker. Ladies and gentlemen, I am speaking in favor of the amendment that is going to be presented to HB 1618. For those who do not know me, we have had quite a bit of turnover in the last six years, my background is basically technical, I'm a machine designer, but I have had extensive experience operating a business, long enough to recognize imprudent and even stupid decisions. So, when I look at a situation with respect to the deal concerning ConEd, PSNH and Northeast Utilities, it is not satisfactory because it clears the way for a lucrative merger with no apparent value to residential ratepayers and I also think that the words of another pretty fair technician, Albert Einstein, guided me somewhat in this approach. He said, "Significant problems we face now, cannot be solved at the same level of thinking we were at when we created them." In this case, the "we" before "created" is PSNH. From 1972 to 1980, they persisted in the financing of an already hopelessly expensive undertaking called Seabrook. The unsuspecting victims, residential ratepayers, were soon to be responsible for bad business practice at considerable cost to them. There was considerable handwringing and much howling when the travesty unfolded and was made worse by questionable, political decisions here and in the swamp down at the Potomac. But the source and the guilt rests with PSNH and no one else. PSNH and others



did take losses, as they should have, but any stranded costs related to Seabrook is still their responsibility. Seabrook is the key to securitization for PSNH and makes any merger deal attractive. What's in it for us? An article by Edward O. Wells in a July, 1990 issue of the *New England Monthly* is part of the reason for my support of HB 1618 or, as we want to amend it on the floor of the House, and I quote, "One can allow that Public Service's executives didn't intend to preside over a debacle and that the financiers only did what was expected of them, and they made a lot of money. But Public Service's managers avowed publicly that they would borrow at any cost to get Seabrook built. It seems unlikely that rational people would have pursued such a reckless, uneconomic course if they hadn't known they could always move on and let others pay for the mess they left behind, and they have paid, all \$6.5 billion of it." I have a lot of reference material that I picked up that substantiates what I just told you. Now comes the ConEd/Northeast Utilities merger which could show, in their words, a billion-to-a-billion-and-a-half dollar savings over a 10-year period when they finally combine, and securitization for PSNH at \$725 million would include in a merger a partner with a low-cost source of cash guaranteed by someone else, and that's all of us, if I may remind you. This merger will allow further expansion of a vast transmission and distribution system from Pennsylvania to New Hampshire with the added and attractive prospect for entry into the burgeoning telecom field. ConEd has a telecom infrastructure company. There will be real financial gain for the merger partners now and even more in the profitable future. There is nothing unreasonable in this, neither is profit, but we must profit, too. But, with this bill, New Hampshire can negotiate a bite instead of a nibble by tying securitization to merger approval. ConEd is not disturbed by this. They would do the same thing. They are good businessmen. If no other state does this, why would it preclude New Hampshire since we're the only ones who have ever been in a situation such as this since the early 1970s? It has been a horror show ever since then and I think New Hampshire deserves the opportunity to try to rectify some of the past. [tape damaged, section lost] ...of a securitized bond by voting to provide a private company with special treatment that our constituents will have to guarantee. On April 24, for your information, there is a forum at the Concord Holiday Inn, I won't comment on the set-up but Bob Backus is going to be there to keep a sense of reality. I recommend every representative who can, should attend to really hear a lot more details than you'll get in this place. But, I would suggest for the \$50,000 we have paid for consultants, you should be able to also hear and understand what brought me to this podium. I would suggest they have a forum, in this building, in this place, for all the representatives so that you can examine and hear their thoughts regarding legislative power in the public interest; hear their comments regarding the court case, have the illusive rate agreement explained, if it exists; hear about transfer of assets by PSNH to Northeast Utilities; hear about Northeast Utilities breach of the energy sharing agreement and a lot more. We deserve all this information. I've got it. I was on the oversight committee, but none of you have, so you haven't heard the entire story. Let me repeat, securitization is special treatment offered by this state to a private company being paid for by private citizens who are bound to pay regardless of their circumstances. It is for these people that I ask you to overturn the committee report. Interim Study, in this case, is the graveyard of hope. Support the minority. Overturn the committee and allow us to present a simple amendment that will give us leverage, we hope, to gain a better deal for our constituents. Don't pay for Seabrook again. You know, as an individual I have been looking at this since 1994 and it is a very sad story if you look at the whole thing in its entirety that we should have gotten into this in the first place and that so many people have been hurt, so many careers set aside and so much desperation on the part of individuals which in this little state we really didn't deserve that. So, I was looking at a statement that is over 2,000 years old. It comes from Cicero where he tells us, "The good of the people is the highest law." That is what I am appealing to when I ask you to support the minority. Thank you very much, thank you, Madam Speaker.

Speaker Sytek: Would the member yield to questions? Rep. Rollo, you may inquire.

Rep. Rollo: Thank you, Madam Speaker. Now that I am thoroughly confused, it doesn't take much to do that, you mentioned an oversight committee that was formed to study this, and you alluded to documents that you had. Can you share those with me so I can look at them?

Rep. Donald White: I'd be glad to. Some of them that I use - we are talking 50,000 pages, but I'll give you what I think are the best ones. I'm sure the chairman of the oversight committee would be overcome with joy to give you copies of it. This is called "Sunk Costs" and it is listed as item 27 that was given to the oversight committee and it is pretty good. If you read it, I think you would



get some value from it. You could also read about the marvelous return on investments to financiers in an item appropriately described as "The Vulture Investors," that's listed as item 29. Fascinating reading but you'll lose a lot of sleep when you do.

Rep. Rollo: Would you mind lending it to me before we take the vote so I can read it?

Speaker Sytek: Would the member yield to another question? Rep. DiFruscia, you may inquire.

Rep. DiFruscia: Thank you, Representative, for yielding. What do you think would be a good offer of benefit to us in terms of a rate relief?

Rep. Donald White: Excellent question. I expect the merger to succeed. It would be good business practice on the part of those individuals to do that and this device is merely to earn more of a return for our citizens than to stop a merger. It would take, I think, about three years after the merger somewhat settles and they reorganize to the extent that they have begun to realize the return that they expect over then 10-year period. People from Northeast Utilities and others will have already descended somewhere in their parachutes and I think probably a lot of lower-level people will be thrown out in the street, but anyway they will have a direction. The good people at business, I know they are probably going to do well with income. From that point, looking at \$2 billion in stranded costs that is apparently being given away, most of us may have to pay, let me make that clear. The component of \$600 million that belongs to Seabrook I firmly do not believe belongs to the citizens of the state. That is their problem. That would leave nine years if we securitized and if they began to see this return I would expect to see, on a basis from at least the first four years, 25 percent of what they realize go to the ratepayers and from that point on, one-third of what they realized because you get a little bit of an ascending scale. So, during that period of time, our ratepayers will be enjoying a stabilized rate and the reason I'm saying that is that the agreement says that the use of electricity will rise by two percent a year during the course of the securitization deal. If you look at ten years, you are talking, compounded, in excess of 25 percent. That is kind of a reach, we maybe bringing in 15,000 or so people a year. And as we move through, people are taking more time to save the use of energy by buying energy-saving equipment, people may opt out of the system so they don't have to pay the stranded costs. So, that is a risk. Now, if we handle it in this manner and get income from the synergy that they describe in their merger, our residential ratepayers will achieve some degree of stabilization and I think they'll make a few bucks as well and I think that's fair. It may be crazy, but I think it's fair.

Speaker Sytek: Would the member to yield to a question? Rep. Dickinson, you may inquire.

Rep. Dickinson: Thank you, Madam Speaker. Rep. White, is the floor amendment you are alluding to the one that is found on the bottom of page 1025?

Rep. Donald White: Yes, it is.

Rep. Dickinson: Well, for the life of me, I see no reason why the legislature shouldn't be authorized to approve mergers and the question I guess I have is, should the legislature approve mergers only after the PUC has an opportunity to thoroughly check them out?

Rep. Donald White: I agree. This is why the amendment was written the way it was to precipitate a constitutional question with respect to interfering and saying we're going to approve the merger when PUC has very capable people. I would wait upon that decision, but I need this tool in place to be able to use it to further convince our combatants that we would appreciate a greater return as a result of the merger, so certainly I would give the PUC all the opportunity that they require.

Rep. Bradley: Thank you, Madam Speaker and members of the House. I think it is safe to say that the members of the majority of the Science, Technology and Energy Committee are very, very sympathetic to the goals and the desires expressed by the three co-sponsors of this bill who have spoken prior to myself. Quite frankly, it's hard not to be sympathetic to the goals that they expressed given the fact that we have had the history that we have had with Public Service for 25 years and we've ended up with the highest rates in the nation. Indeed, throughout that history, efforts, efforts in fact in this room, to fight back have drawn great favor and this bill, quite frankly, is no different from that. But, it is important to look dispassionately at some of the facts. The prior speaker raised the specter of the Seabrook power plant being built on borrowed money and, indeed, it was. But a dispassionate look at that and the facts of that, people will recall, that it was in 1979 that this legislature passed a law that banned construction works and financing designed to stop the construction work of Seabrook, but, what I would contend it really did was force the building of it on borrowed money and let us also not forget that when that money was borrowed, it was with the blessing of the political leadership at that time. So, I would maintain to you that it could be attrac-

tive, as Rep. Gilmore said, to feel empowered and to pass this legislation and to feel as if we were fighting back, but, as important as it is to look at the facts of history, it is important to look at the facts of this bill. Number one, this merger that has raised the hair on lot of people's necks, including my own, was filed in January of this year. This bill is not yet law. Clearly, in my opinion, that's retroactive. Whether a court would side with that remains a question. But let's ask ourselves about our success rate on this issue in court. Last year, the PUC faced a similar situation with regard to the parent-company merger of Granite State Electric. There was a pending piece of legislation. The Commission knew that, but in its order approving that merger, it was very clear that it was considering the merger based on the statutes in effect at that time, not on pending statutes. The other significant problem that other speakers have outlined in this bill is that, in fact, it singles out one utility in this state, whether it is the amendment or the bill as proposed. So, I would maintain that on a constitutional basis, if it is challenged, and, indeed, it will be, that we are on dubious grounds. A key issue that we looked at is if we can't pass a bill such as this because of constitutional problems, are we protected from mergers, from some of the monolithic forces, not just in the regulative world but the non-regulative world, and I believe that we are. Last year, with passage of House Bill 464, we plugged a fairly significant loophole that the Commission itself had created. Two mergers, as Rep. Norelli talked about, have been approved on a public interest standard and I would maintain that based on the precedent established in the Granite State merger and the Energy North merger, the Commission has no choice but to look at this merger on a public interest standard. And, what are some of the potential problems that the Commission has authority to either reject this merger or condition it if they find, based on their review, that it harms New Hampshire. Clearly, issue number one is reliability. ConEd has had some problems in that arena. A second major issue is control of PSNH. PSNH has a large impact on the state's economy, but, as other speakers have said, it will be a small portion of this combined utility. The Commission has ample authority to look at the effect that it will have on rates and to capture these so-called merger synergy savings and, quite frankly, the securitization legislation that we are going to introduce shortly will also capture those merger efficiency savings. There are several other issues that the Commission can look at: the effect on competitive generation, transmission constraints, the rights of PSNH employees, whether there will be other mergers, and environmental effects. The last question, does this merger potentially allow us to improve the proposed settlement with PSNH? That is a little bit more difficult issue. But, with the PUC's order yesterday, approving the settlement but with another \$100 million of sharing with customers of PSNH's stranded costs, the Commission, in my opinion, has taken a significant step forward in approving the settlement. It is our job to make sure that sticks and it is our job, yours and mine, to make sure that if a merger is approved by the Commission that we, indeed, as customers capture those synergy savings that should flow from the combined company. Interim Study, I would contend, is useful to look at all of the generic issues, but I don't believe that we need to pass a merger review by this legislature, which would be the only one of its kind in the country, to impact the proposed merger that is before the Commission today. We don't need a bill that is retroactive, that singles out one company when our Commission already has more than ample regulatory authority to do everything necessary to protect New Hampshire customers.

### SPECIAL ORDER

**SCR 3**, rescinding the 1979 call for a federal constitutional convention. **INEXPEDIENT TO LEGISLATE**

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The legislature of NH since 1979 has always reaffirmed its original decision for a federal constitutional convention and continues to support the many other state legislatures who wish to improve the federal budget. Former United States Senator from New Hampshire Warren Rudman succeeded some distance toward that goal. Vote 11-3.

Reps. Marple and Riley spoke against.

Reps. Fields and Dickinson spoke in favor.

Rep. Dickinson requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 192 NAYS 90**

**YEAS 192****BELKNAP**

Boyce, Robert	Holbrook, Robert	Johnson, James	Lawton, David
Millham, Alida	Rice, Thomas	Rosen, Ralph	Russell, David
Turner, Robert	Wendelboe, Francine	Wood, Jane	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		

**CHESHIRE**

Blaisdell, Michael	Doucette, Richard	Manning, Joseph	Royce, H Charles
Zerba, Roger			

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Tholl, John Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Dudley, Terri	Hinman, Harry
Marshall, Gene	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert Jr	Cote, Peter
Craig, James	Daigle, Robert	Dalianis, Griffin	Dawe, Eileen
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Gagnon, Eugene	Goulet, Maurice	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Claudette	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim
Mercer, Robert	Milligan, Robert	Moran, Edward	Mosher, William
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	Wall, Nancy	White, Donald	Williams, Carol

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Hager, Elizabeth	Hess, David
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Leber, William
Lockwood, Priscilla	Marshall, Kenneth	Nichols, Avis	Poulin, Dave
St Cyr, Gerard	Virtue, Carolyn	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Christie, Andrew Jr	Clark, Vivian	Cooney, Richard
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Gibbons, Paul	Gleason, John	Grant, Kenneth	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane

Langone, John  
McKinney, Betsy  
Putnam, Ed II  
Reardon, Neil  
Stone, Joseph  
Verani, Giovanni

Letourneau, Robert  
Noyes, Richard  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Weare, Everett

Lovejoy, Marian  
O'Neil, Michael  
Rabideau, Marie  
Sabella, Norma  
Tufts, J Arthur  
Zolla, William

Major, Norman  
Priestley, Anne  
Raynowska, Bernard  
Schanda, Frank  
Varrell, Thomas

### STRAFFORD

Brown, Julie  
Johnson, Nancy  
Twardus, Joseph

Cossette, Larry  
Rollo, Michael  
Vachon, Dennis

Domingo, Baldwin  
Spear, Barbara  
Wall, Janet

Dunlap, Patricia  
Taylor, Kathleen

### SULLIVAN

Jones, Constance  
Young, David

Kibbey, David

Leone, Richard

Phinizy, James

### NAYS 90

### BELKNAP

Pilliod, James

### CARROLL

Mock, Henry

### CHESHIRE

Batchelder, Robert  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Mitchell, McKim  
Riley, William

Lynch, Margaret  
Pratt, Irene  
Rose, William

McGuirk, Paul  
Pratt, John

### COOS

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Mirski, Paul

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Solow, Martha

Hall, David

### HILLSBOROUGH

Arthur, Rose  
Curran, James  
Foster, Linda  
Hall, Betty  
Lefebvre, Roland  
Murphy, Robert

Bruno, Pierre  
Daniels, Gary  
Franks, Suzan  
Jean, Loren  
McRae, Karen  
Peterson, Andrew

Christiansen, Lars  
Dwyer, Paul Sr  
Garrish, Linda  
Keye, Harvey  
Messier, Irene  
Reidy, Frank

Cote, David  
Ford, Nancy  
Gorman, Mary  
Konys, Christine  
Moriarty, Mary  
White, John

### MERRIMACK

Bouchard, Candace  
Gile, Mary  
Potter, Frances  
Wallner, Mary Jane

Chase, George  
Langer, Ray  
Seldin, Gloria  
Yeaton, Charles

Fraser, Marilyn  
Marple, Richard  
Soltani, Tony

French, Barbara  
Moore, Carol  
Wallin, Jean

### ROCKINGHAM

Beaulieu, Jon  
Packard, Sherman  
Shultis, Elizabeth  
Weatherspoon, Jackie

Clark, Martha  
Pitts, Jacqueline  
Splaine, James  
Welch, David

Francoeur, Sheila  
Sapareto, Frank  
Stickney, Nancy  
Weyler, Kenneth

Kelley, William  
Shelton, Richard  
Vaughn, Charles

### STRAFFORD

Brennan, William  
McKinley, Robert  
Snyder, Clair

Kaen, Naida  
Pelletier, Arthur  
Woods, Phyllis

Keans, Sandra  
Pelletier, Marsha

Knowles, William  
Smith, Marjorie



**SULLIVAN**

Burling, Peter  
Tuthill, John

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas Jr

Flint, Gordon Sr

and the report was adopted.

**SB 426-FN**, relative to boat dealers and repairers. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Sherman A. Packard for the Majority of Transportation: This bill is adding a third section to the use of utility plates. The original Senate version created a new plate. The House Transportation Committee felt that it was unnecessary to do that. The majority felt that just expanding the current use of utility plates to accommodate the needs of those that use utility plates was more practicable. This is what the amendment does. Vote 7-6.

Rep. William W. Mosher for the Minority of Transportation: The minority of the committee felt the amended bill did not adequately address the needs of boat dealers or manufacturers in regards to transportation of customer owned equipment that needs to be repaired, serviced or evaluated. This amended bill would require all trailers to be registered to the owner before the dealer could move the trailer. In our opinion, this would cause a hardship on the business community.

**Amendment (4082h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Use of Utility Dealer Plate by Boat Manufacturers or Dealers. Amend RSA 261:121 by inserting after paragraph II the following new paragraph:

III. A utility plate may be used by a manufacturer or dealer of boats or boat trailers, or his or her employees or agents for the transportation of boats in the ordinary course of business, which shall include the sale, delivery, and repair of such boats, provided, however, that the boat trailer is owned or leased by the manufacturer or dealer of boats or boat trailers, or his or her employees or agents.

2 Effective Date. This act shall take effect July 1, 2000.

**AMENDED ANALYSIS**

This bill permits boat manufacturers or dealers to use dealer utility plates when transporting boats in the ordinary course of business.

Rep. Packard spoke against.

The amendment failed.

Rep. Packard offered a floor amendment.

**Floor Amendment (4169h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Use of Utility Plates by Boat Manufacturers and Dealers. Amend RSA 261:121 by inserting after paragraph II the following new paragraphs:

III. A utility plate may be used by a manufacturer or dealer of boats or boat trailers, or his or her employees or agents contracted by the manufacturer or dealer, for the transportation of boats in the ordinary course of business, which shall include the sale, demonstration, delivery, and repair of such boats.

IV. A utility plate may be used by a manufacturer or dealer of boats or boat trailers, or his or her employees or agents contracted by the manufacturer or dealer, on a boat trailer not owned or leased by the manufacturer or dealer if used for the purpose of transporting a boat or boat trailer to and from his or her place of business for repair or service.

2 Effective Date. This act shall take effect July 1, 2000.

**AMENDED ANALYSIS**

This bill permits boat manufacturers and dealers to use utility plates when transporting boats in the ordinary course of business.

Rep. Packard spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**SB 320**, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000. **OUGHT TO PASS WITH AMENDMENT**

Rep. Warren C. Henderson for Education: As amended, SB 320 ratifies the March 8, 2000 Inter-Lakes School District annual meeting and the March 10, 2000 Plainfield School District annual meeting. A substantial element of the original bill, requiring co-operative school districts to count ballots and report results for each town within the co-operative district separately, was eliminated when the committee could not get a clear sense of the current state of the law or the demonstrated need for that portion of the bill. Vote 18-0.

#### **Amendment (4098h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000; and relative to ratifying the Plainfield school district annual meeting held on March 10, 2000.

Amend the bill by replacing all after the enacting clause with the following:

1 Ratification of the March 8, 2000 Inter-Lakes Cooperative School District Annual Meeting. All acts, votes, notices, and proceedings of the Inter-Lakes cooperative school district annual meeting held on March 8, 2000 are hereby legalized, ratified, and confirmed.

2 Ratification of the March 10, 2000 Plainfield School District Annual Meeting. All acts, votes, notices, and proceedings of the Plainfield school district annual meeting held on March 10, 2000, and the related public hearing held on February 15, 2000, are hereby legalized, ratified, and confirmed.

3 Effective Date. This bill shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill also ratifies all acts, votes, notices, and proceedings of the Inter-Lakes cooperative school district meeting held on March 8, 2000 and the Plainfield school district meeting held on March 10, 2000.

Rep. Christiansen spoke against.

Rep. Durham spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**SB 416-FN**, relative to licensure of dietitians. **OUGHT TO PASS WITH AMENDMENT**

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill licenses only the dietitians but has no impact on those individuals who practice as nutritionists. This bill sets a standard that insures that everyone practicing as a dietitian shall have met the requirements set forth for education, training and experience necessary to be qualified to meet the provisions of the bill and to protect their consumers and patients. It establishes a board which will have the powers and duties relative to their practice as well as penalties for violations of the laws that are relative to their practice. Vote 16-1.

#### **Amendment (4050h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Licensed Dietitians. Amend RSA by inserting after chapter 326-G the following new chapter:

#### **CHAPTER 326-H LICENSED DIETITIANS**

326-H:1 Short Title. This chapter may be cited as the "Dietitians Licensure Act."

326-H:2 Purpose. The general court recognizes that dietitians play an important role in treating illness, injury, and other medical conditions; and in improving the quality of life of seriously ill patients; all of which can result in cost savings to the health care system. The general court finds and declares that the practices of dietitians in the state of New Hampshire affect public health, safety, and welfare; these practices make important and distinct contributions to patient care, and it is in the public's best interest to have qualified individuals who practice in this profession. In doing so, the general court recognizes that there are many aspects of nutrition and it is not the purpose of this act to restrict the ability of any person to provide advice, counseling, or assessments in matters

of food, diet, or nutrition and to receive compensation for such services, thereby assuring that all persons can obtain nutrition and dietary information, dietary counseling, and information regarding food, food products, dietary supplements, and their proper use, from any source of that person's choosing. The purpose of this act, therefore, is to establish regulations and standards of qualification, training, and experience for individuals who are practicing dietitians.

326-H:3 Definitions. In this chapter:

- I. "Board" means the board of licensed dietitians.
- II. "Commission on Dietetic Registration" means the national autonomous credentialing body.
- III. "Dietitian" means a person who is a food and nutrition professional who meets the minimum academic and professional requirements that have enabled that individual to be credentialed by the Commission on Dietetic Registration as a registered dietitian.

326-H:4 Exceptions.

- I. This chapter shall not apply to a dietitian who is:
  - (a) Serving in the armed forces of the United States;
  - (b) Engaged in a state or federally funded public health program;
  - (c) Employed by the Veterans Administration, provided such dietetic activities are related to such service or employment; or
  - (d) Licensed, certified, or registered under other laws of this state who is performing services within his or her authorized scope of practice.

II. Nothing in this chapter shall be construed to restrict, prevent, or otherwise interfere with a person who does not hold himself or herself out as a licensed dietitian from providing advice, counseling or assessments in matters of food, diet or nutrition; or from marketing or distributing food products, including dietary supplements as defined by the federal Dietary Supplement Health and Education Act; or from providing explanations to or communicating with customers with regard to the uses of such products.

326-H:5 License Required; License Title.

I. No person shall practice or represent himself or herself as a dietitian in this state without first applying for and receiving a license from the board to practice as a licensed dietitian.

II. Licensees shall use the title "licensed dietitian" and the recognized abbreviation "LD".

326-H:6 Scope of Practice. Licensed dietitians shall be authorized to practice applications from food, nutrition, biochemistry, physiology, management, behavioral, and social sciences used in the treatment of illness, injury and other medical conditions, and the maintenance of human health.

326-H:7 Board of Licensed Dietitians; Removal; Expenses.

I. There is established a board of licensed dietitians, consisting of 5 members. Initial appointments shall be made pursuant to RSA 326-H:8. Thereafter, the board shall be appointed by the governor with consent of the executive council and shall consist of 4 licensed dietitians and one public member.

II. Members of the board shall serve 3-year terms, shall hold office until successors are appointed and qualified, and shall serve no more than 2 consecutive terms.

III. The board may remove a member for malfeasance, misfeasance, or nonfeasance.

IV. Each member of the board shall be reimbursed for in-state actual and necessary travel expenses incurred in the discharge of official duties at the state employee mileage rate.

V. All members of the board shall have been residents of this state for at least 3 years immediately preceding appointment to the board. The public member shall not be, nor ever have been, a member of the dietitian profession nor have or have had a material, financial interest in either the provision of dietitian services or an activity directly related to the dietitian profession, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

VI. The commissioner of the department of health and human services shall provide administrative services to the board. All administrative services shall be a cost to the board and shall be reimbursed by fees collected by the board through rules adopted under RSA 326-H:10.

326-H:8 Initial Appointments; Meeting; Election of Initial Chairperson.

I. The initial appointments to the board shall be made by the governor with the consent of the executive council and shall serve initial terms as follows: 2 practicing dietitians who shall serve a term of one year; and 2 practicing dietitians and one public member who shall serve a term of 2 years.

II. The initial board members shall be appointed within 6 months of January 1, 2001. The initial chairperson shall be elected from among the board members no later than the second meeting of the board.



326-H:9 Duties of the Board. The board shall:

- I. Conduct meetings as required.
  - II. Select a chairperson and officers from the members of the board.
  - III. Maintain a true record of the board's official acts which shall be public and open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings.
  - IV. Adopt a code of ethics for the practices of licensed dietitians in this state.
- 326-H:10 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:
- I. The application procedures for licensure or temporary licensure to practice as a licensed dietitian in this state.
  - II. The renewal, suspension, revocation, and reinstatement of licenses.
  - III. The establishment of license fees.
  - IV. Educational qualifications for licensure.
  - V. The conditions and fees for licensing out-of-state dietitians.
  - VI. Continuing education requirements.
  - VII. Procedures for investigations and hearings held under this chapter.
  - VIII. Procedures for appealing hearing board decisions.

326-H:11 Immunity from Civil Action. No civil action shall be maintained against the board or any member of the board or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

326-H:12 Requirements for Licensure. To be eligible to be a licensed dietitian under this chapter, an applicant shall:

- I. Hold a baccalaureate or higher degree from a regionally accredited college or university in the United States and have completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, public health nutrition, or food systems management;
- II. Have successfully completed a dietetic internship of no less than 900 hours, pre-professional practice program, or coordinated program with documented experience in the practice of dietetics under supervision of a registered, certified, or licensed dietitian;
- III. Have successfully passed the examination administered by the Commission on Dietetic Registration; and
- IV. Maintain continuing professional education requirements as determined by the board.

326-H:13 Reciprocity. The board may, in its discretion, grant a license under this chapter to an individual certified or licensed in another state if it determines that the requirements or standards for certification or licensure in that state are equivalent to, or greater than, those established by this chapter.

326-H:14 Issuance, Expiration, and Renewal of License.

I. The board shall license as a dietitian each applicant who proves to the satisfaction of the board his or her qualifications under this chapter and under rules adopted by the board under RSA 326-H:10. The board shall issue to each person qualified a license, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself or herself as a licensed dietitian subject to the conditions and limitations of this chapter.

II. All licenses issued by the board shall be valid for 2 years from the date of issuance and shall be renewed biennially or reissued pursuant to rules adopted and upon payment of fees established by the board. The board shall cause notification of impending license expiration to be sent to each licensed person at least 60 days prior to the expiration of the license.

III. Any person licensed under this chapter who seeks to renew his or her license shall provide to the board satisfactory documentation of the required continuing professional education.

IV. Any person who fails to renew a license issued under this chapter may be issued a license only upon reapplication for licensure.

326-H:15 Continuing Professional Education. It shall be deemed sufficient for the renewal of a license issued under this chapter for an applicant for renewal to have completed 20 hours of continuing professional education related to the relevant practice in the previous 24 months. Continuing education programs shall be approved by the board.

326-H:16 Suspension and Revocation of License. The board, after a hearing, may suspend or revoke the license of any person who:



I. Has obtained the license by fraudulent or deceitful means.

II. Has been convicted of a class A felony or found guilty of malpractice or gross misconduct in practice as a dietitian.

III. Has engaged in dishonest or unethical conduct which the board has specified in rules adopted under RSA 326-H:10 as sufficient to merit suspension or revocation.

IV. By reason of negligent habits, neglect, willful action, or other causes engaged in actions inconsistent with the health of the person or persons under the care of the licensee.

V. Has violated any provision of this chapter.

#### 326-H:17 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. The board may administer oaths or affirmations, preserve testimony, and issue subpoenas, upon the approval of the attorney general, for witnesses and for documents relative to formal investigations or adjudicatory hearings.

III. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

IV. All notice and hearing procedures shall comply with RSA 541-A.

326-H:18 Reinstatement. Any person whose license has been suspended or revoked by the board may apply to the board, in writing, to request a hearing for reinstatement. Upon a hearing, the board may issue a new license or modify the suspension or revocation of the license.

326-H:19 Offenses. It shall be a class B misdemeanor for any person to:

I. Sell, fraudulently obtain, or furnish any license established under this chapter or aid and abet such conduct.

II. Practice as a licensed dietitian under the guise of any diploma, permit, certificate, license, or record illegally or fraudulently obtained or issued.

III. Impersonate in any manner a licensed dietitian by use of any title that contains the word "dietitian", use of the abbreviation "LD", or use any words, signs, symbols, or devices which represent a person licensed under this chapter.

IV. Fail to notify the board of the suspension, probation, or revocation of any past or present license, certification, or registration required to practice as a dietitian in this or any other jurisdiction.

V. Make false representations or impersonate or act as proxy for another person or allow or aid any person to impersonate him or her in connection with any examination or application for licensure or request to be licensed.

VI. Violate any other provision of this chapter.

2 Effective Date. This act shall take effect January 1, 2001.

Adopted.

Rep. Stickney offered a floor amendment.

### Floor Amendment (4180h)

Amend RSA 326-A:10 as inserted by section 1 of the bill by replacing it with the following:

#### 326-H:10 Rulemaking.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedures for licensure or temporary licensure to practice as a licensed dietitian in this state.

(b) The renewal, suspension, revocation, and reinstatement of licenses.

(c) The establishment of license fees.

(d) Educational qualifications for licensure.

(e) The conditions and fees for licensing out-of-state dietitians.

- (f) Continuing education requirements.
- (g) Procedures for investigations and hearings held under this chapter.
- (h) Procedures for appealing hearing board decisions.

II. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

Rep. Stickney spoke in favor.

Adopted.

Report adopted and ordered to third reading.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 4, 2000 at 10:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

**SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction.

**SB 394-FN**, making miscellaneous changes in the insurance laws.

**HCR 35**, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

**SB 407**, relative to dog licensure.

**SB 443-FN**, relative to veterinarian reimbursement for the animal population control program.

**SB 372**, relative to certain engineering businesses.

**SB 390-FN**, relative to vested deferred retirement benefits for group II members.

**SB 417**, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits.

**SB 322**, extending the needle exchange pilot program.

**SB 456**, relative to testing newborns for deafness.

**SB 327**, relative to responsibility of the employee and perjury under workers' compensation.

**SB 364**, relative to benefits for permanent bodily losses under workers' compensation.

**SB 402-FN**, relative to employee reimbursement for work-related expenses.

**SB 370**, relative to reflectors on bicycle pedals.

**SB 431**, relative to certain secondary vocational education programs.

**SB 307**, relative to biosolids and short paper fiber.

**SB 403-FN-A**, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

**SB 434**, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees.

**SB 311**, relative to the recovery of public assistance.

**HB 1452**, codifying the powers and duties of the joint committee on legislative facilities.

**SB 339-FN**, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth.

**SB 455**, relative to campgrounds.

**SB 426-FN**, relative to boat dealers and repairers.

**SB 320**, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000.

**SB 416-FN**, relative to licensure of dietitians.

## UNANIMOUS CONSENT

Rep. Wendelboe requested Unanimous Consent.

Rep. Knowles objected.

The Speaker called for a vote. On a voice vote, Rep. Wendelboe was granted permission to address the House.

Rep. Manning moved that the remarks made by Rep. Wendelboe be printed in the Journal.  
Adopted.

Rep. Wendelboe: Thank you, Madam Speaker and fellow House members. This House often recognizes the passing of historic anniversaries. For example, as long as the good member from New London remains in this House, I will always be moved by his comments about Iwo Jima. Five years ago, I came to this well for the first time as a freshman and spoke about a very bittersweet anniversary of my generation. Next week is the 25<sup>th</sup> anniversary of the fall of Saigon. It was the end of a period of great turmoil in our country. It brought to a close protesting, dissent over the war, a change in our actual involvement with war. It was the first time that war actually came into our living rooms. Our evenings were capped watching the news and hearing the new phrase of the daily body count. And, finally, that view of the helicopters frantically trying to evacuate Saigon. In light of this anniversary, I'd like to recognize the service and sacrifice of the men and women who did serve our country in Southeast Asia. In 1975, after Saigon fell and Ho Chi Minh City arose, there was no joyous victory parade, there were no tickertape parades, there were no outpourings of national pride in victory. The honor of one's service and sacrifice should not be diminished by the outcome or the political opinion of that war, whether it is a war of the past, the present or one in the future. I hope this body will join with me in reiterating that the Vietnam Veterans are welcome home and that we appreciate the service and sacrifice that they gave just as their fathers and grandfathers gave in earlier wars. This summer, "The Moving Wall" is coming to our state again, to Rochester, and I hope you'll all take the opportunity to visit that memorial, to take our families, and to make them as aware of Vietnam as my parents made me aware of the service of my ancestors in prior wars, from World War I to Korea and World War II. Thank you, Madam Speaker and thank you for your indulgence at this late hour.

Rep. Mock addressed the House.

Rep. Riley moved that the remarks made by Rep. Mock be printed in the Journal.  
Adopted.

Rep. Mock: Madam Speaker and members of the House, I rise today because I think it is important that in view of your tremendous support given to my committee last week, that I stand here today to sort of defend ourselves in one sense and in another sense to let you know what is happening. We have been accused in the last few hours of carrying on secret meetings. I am standing here today to tell you that you asked us to do an investigation. You did not ask us to carry on a legislative hearing. If we are going to do the investigation that you asked us to do, there must absolutely be secrecy and confidentiality. I cannot stress that too much. We will be accused of making errors; we have been. I used the wrong word in a news conference yesterday. That's called heat. My committee and I are prepared to take that heat. I bring this to you because we need your cooperation. I don't need things like an E-mail that was sent to every single republican in this House, apparently, and it says, the very first paragraph, it says, "I have heard that the Judiciary Committee has decided to hold their House Resolution 50 investigation in secret. I have a serious problem with this action." Please, don't take us for being unlearned. This investigation, and that is what it will be, is an investigation, and that means not telling anyone what we learn. Now, everything that can possibly be open will be open. And, so, the question arises, what did you have to go into a secret meeting, with your attorney, and incidentally that was all done in accordance with the Right to Know Law. Why? The best way I can put it is this way. Yesterday, the Judiciary Committee first met in public, in public first, to discuss a time line for the investigation and, incidentally we've got that pretty hammered out and it looks like we will not be done until the end of June, and then, upon advice of its counsel, we exercised our right, under the law, to meet with counsel behind closed doors to discuss matters of general legal strategy. You don't tell the other camp what you're going to do, especially, we talked about people. We named some names, a list of names. Is it fair to those people to have their names splashed all over the place? No, it isn't. That isn't fair. It must be confidential. As soon as it can be let out, it will be let out. Among the items we discussed yesterday, were issues about confidentiality, communication between the members and our counsel, attorney/client privilege and witnesses. Many issues are a blend between confidential issues, between the attorney and the client and we're the client, about legal strategy and issues of committee procedure. That's the way it has to be. I'm sorry, but you asked us to do it and we will not let you down and we will make everything as public as we possibly can and when this thing is over everything will be public. I thank you, Madam Speaker and I thank you at this late hour.



## RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of Senate bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 5:35 p.m.

## RECESS

(Rep. MacGillivray in the Chair)

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 337,458, 459, 461, 464, 467, 468, 469, 470, 471 and Senate Joint Resolution numbered 1 and Senate Concurrent Resolutions numbered 5 and 6 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS, SJR AND SCRs

### First, second reading and referral

**SB 337-FN**, requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations. (Transportation)

**SB 458**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. (Executive Departments and Administration)

**SB 459**, relative to underinsured motorists. (Commerce)

**SB 461**, establishing a committee to study the creation of a flag to honor all police departments in the state. (Executive Departments and Administration)

**SB 464**, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction. (Judiciary)

**SB 467**, relative to the exemption from regulation of certain elevating devices. (Labor, Industrial and Rehabilitative Services)

**SB 468**, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. (Judiciary)

**SB 469**, relative to mutual insurance holding companies. (Commerce)

**SB 470**, relative to the administrative authority of the board of trustees for the regional community-technical colleges. (Education)

**SB 471**, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting. (Municipal and County Government)

**SJR 1**, concerning the status of the White Mountain National Forest within the U.S. Forest Service's forest management plan. (State-Federal Relations and Veterans Affairs)

**SCR 5**, urging the New England states and New York to consider cooperative strategies to address the challenge of the high cost of prescription medicines. (Health, Human Services and Elderly Affairs)

**SCR 6**, urging the President and Congress to address the challenge of high prescription medication prices. (State-Federal Relations and Veterans Affairs)

## SENATE MESSAGES

### CONCURRENCE

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

**HB 1143-FN**, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway."

**HB 1149**, commemorating the anniversary of the founding of certain branches of the United States armed forces.

**HB 1151**, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives.



**HB 1156**, establishing June 20<sup>th</sup> each year as Destroyer Escort Day.

**HB 1160**, relative to access to the enhanced 911 system.

**HB 1191-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

**HB 1194**, relative to the composition of planning boards in certain cities.

**HB 1265-FN**, relative to registration of certain antique OHRVs.

**HB 1322**, relative to the regulation of certain outdoor advertising devices.

**HB 1357-FN**, relative to the sale of state-owned property in the towns of Belmont and Laconia.

**HB 1373**, relative to payments of first and second mortgage home loans.

**HB 1382-FN**, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids.

**HB 1390**, establishing a commission to study the relationship between public health and the environment.

**HB 1422-FN**, relative to the composition of and procedures for the appellate board of the department of employment security.

**HB 1450-FN**, relative to hearings and appeals of equal pay claims.

**HB 1465**, extending the reporting date of the committee to study the non-group health insurance market.

**HB 1614**, naming 2 bridges.

**HCR 24**, relative to integration of people with disabilities.

**HCR 33**, a resolution establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river.

### NONCONCURRENCE

**HB 1109**, relative to the modification of spousal support orders.

**HB 1169**, relative to gates and bars on class VI roads.

**HB 1171**, restricting the payment of salaries to suspended judicial officers.

**HB 1327**, relative to residency of prisoners for purposes of voter registration.

### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 1212**, relative to extending the reporting date of the open adoption study committee and relative to persons eligible to adopt.

The President appointed Sens. Trombly, Squires and Pignatelli.

### ENROLLED BILL AMENDMENT

**HB 1368-FN**, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials.

#### Amendment (4185-EBA)

Amend RSA 21-K:22 as inserted by section 1 of the bill by replacing line 3 with the following: distinct from all other funds. All monetary gifts, grants, and donations accepted pursuant to RSA 21-K:21 shall be

Adopted.

### RECESS

(Rep. Whalley in the Chair)

### RESOLUTION

Rep. Keith Herman offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 460 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF SENATE BILL

#### First, second reading and referral

**SB 460-FN**, establishing a grant program to reimburse eligible districts served by municipal waste combustors. (Science, Technology and Energy)

## SENATE MESSAGES

## CONCURRENCE

**HB 310**, providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.

**HB 1102**, relative to accessibility of veterans' disability payments in divorce cases.

**HB 1131-FN**, relative to license revocations and suspensions.

**HB 1163**, relative to the date of decision for appeals of zoning matters.

**HB 1195**, making technical changes to the law regulating acupuncture.

**HB 1244**, relative to the use of certain needle technology.

**HB 1344-FN**, expanding the used oil program.

**HB 1404**, creating a study committee to address mechanisms for the preservation or disposal of state records.

**HB 1406**, relative to transition service.

**HB 1410**, relative to the joint health council.

**HB 1412**, relative to electric customer-generators.

**HB 1454**, relative to deputy conservation officers in the fish and game department.

**HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

**HB 1459**, requiring the state police to record and update information relative to the charges of criminal and civil non-support.

**HB 1483**, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.

**HB 1492-FN**, relative to clarifying the state's stalking statute.

**HB 1494-FN**, establishing penalties for attempts to purchase firearms illegally.

**HCR 20**, a resolution urging Congress to stop the collection of certain kinds of information from patients in a home health care setting.

**HCR 30**, urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.

## NONCONCURRENCE

**HB 1253**, establishing a 4-year term for the commissioner of the department of corrections.

## CONCURRENCE WITH AMENDMENTS

**SB 311**, relative to the recovery of public assistance.

**SB 320**, relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000; and relative to ratifying the Plainfield school district annual meeting held on March 10, 2000.

**SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for certain felony convictions.

**SB 327**, relative to responsibility of the employee and perjury under workers' compensation.

**SB 372**, relative to certain engineering businesses.

**SB 394-FN**, making miscellaneous changes in the insurance laws.

**SB 402-FN**, relative to employee reimbursement for work-related expenses.

**SB 416-FN**, relative to licensure of dietitians.

**SB 426-FN**, relative to boat dealers and repairers.

## ENROLLED BILL AMENDMENTS

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

## Amendment 4260-EBA)

Amend RSA 318:52-c, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) Hypodermic syringes, needles or any instrument adapted for the administration of drugs by injection shall not be sold except in registered pharmacies. No person shall sell, furnish, or give

to any person [~~or persons other than a duly licensed physician, dentist, veterinarian, nurse, midwife certified pursuant to RSA 326-D, podiatrist, pharmacist, or embalmer, or a hospital, sanitarium, clinical laboratory or any other medical institution or a state or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern or advanced registered nurse practitioner of a hospital, sanitarium or other medical institution~~], *under 18 years of age*, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the administration of drugs by injection without the written or oral prescription of a duly licensed physician, dentist, veterinarian, or advanced registered nurse practitioner. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed, and the number of instruments prescribed.

Amend RSA 318:52-e as inserted by section 3 of the bill by replacing it with the following:

318:52-e Control or Possession of Hypodermic or Like Instruments Without Prescription Prohibited ~~for Minors~~. No person *under 18 years of age* shall have under [~~his or her~~] *such person's* control or possess a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of drugs by injection, [~~except a duly licensed physician, dentist, nurse, pharmacist, podiatrist, midwife certified pursuant to RSA 326-D, veterinarian, embalmer, a manufacturer or dealer in embalming supplies, registered wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles covered by this section by reason of his or her official duties, paramedical personnel acting under the direction of a physician, dentist, or advanced registered nurse practitioner, employees of a hospital, sanitarium or other licensed medical institution acting under the direction of its superintendent or officer in immediate charge, a carrier or messenger engaged in the transportation of such articles during the official performance of his or her duties, or a~~] *unless the person [who] has received a written or oral prescription issued under RSA 318:52-c*. For the purpose of this subdivision, no such prescription shall be valid which has been outstanding for more than one year. [~~Provided, however, that the industrial use of hypodermic syringes, needles or instruments in any manufacturing process not utilizing drugs shall not be prohibited, so long as such use is under the proper supervision of a designated person or persons; and such hypodermic syringes, needles or instruments may be purchased for such use from a registered drug store without a written or oral prescription issued under RSA 318:52-c.~~]

Adopted.

**HB 1156**, establishing June 20<sup>th</sup> each year as Destroyer Escort Day.

#### Amendment (4250-EBA)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 1149 of the 2000 legislative session becomes law, then RSA 4:13-i as inserted by section 1 of this act shall be renumbered as RSA 4:13-j.

Adopted.

**HB 1200-FN**, relative to the application of education property tax hardship relief to estate planning trusts.

#### Amendment (4261-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.

Adopted.

**HB 1357-FN**, relative to the sale of state-owned property tin the towns of Belmont and Laconia.

#### Amendment (4262-EBA)

Amend section 2 of the bill by replacing line 1 with the following:

2 Repeal. 1988, 243, relative to retaining certain state-owned land overlooking Lake

Adopted.

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 305, 1143, 1149, 1151, 1160, 1161, 1191, 1194, 1265, 1322, 1334, 1368, 1373, 1382, 1390, 1405, 1422, 1450, 1465, 1583 and 1614 and Senate Bills 186, 307, 313, 322, 339, 364, 370, 390, 407, 417, 443, 455 and 456.

Rep. Ronald Nowe and Sen. D'Allesandro for the Committee

**RECESS****(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 15

Thursday, May 4, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator of all, words fail us as we attempt to give thanks for the many blessings we share as free citizens of New Hampshire and of our beloved United States. Give us courage to speak from our hearts. Give us wisdom to speak with integrity. Give us compassion to speak with fairness. Give us humility to listen before we speak. At this day's end, may it be said that we tried to do our best with the gifts You have given to us, and that no one in our care has been forgotten. Amen.

Reps. Bouchard and Daigle led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, Paul Perkins and Searles, the day, illness.

Reps. Batula, Belvin, Bergin, Emerton, David Flanders, Fortnam, Franks, Guest, Hansen, Hoadley, MacNeil, Martin, Mikowski, Marsha Pelletier, Rowe, Rosen, Thomas and Williams, the day, important business.

Rep. DiFruscia, the day, death in the family.

Rep. Tate, the day, illness in the family.

### INTRODUCTION OF GUESTS

Maine State Rep. Earl Richardson, guest of Rep. Kennedy. Nate Morin and Seth Woodward, guests of Rep. Woodward. The 4<sup>th</sup> grade class from the Conway Elementary School, guests of Reps. Sullivan, Dickinson and Mock. Ivan Bareav, Veniamin Koutouzov, Nikolai Materov, Alexandre Jgoutov and Inna Fradkina, guests of the House.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

Without objection, the Speaker called for Senate Messages.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 235 FN-A**, increasing exemptions under the interest and dividends tax. (Amendment printed SJ 4/13/00)

Rep. Jacobson moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 312**, relative to the carrying of firearms in courthouses. (Amendment printed SJ 4/20/00)

Rep. Welch moved that the House concur.

Adopted by the necessary two-thirds.

**HB 505-FN**, establishing a special license plate for veterans. (Amendment printed SJ 4/20/00)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Packard, Letourneau, John Flanders and Peter Cote.

**HB 522**, relative to the public's access to sex offender registry information. (Amendment printed SJ 4/13/00)

Rep. Welch moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1242**, relative to the standard for modification of a child custody order. (Amendment printed SJ 4/20/00)

Rep. Dowling moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1559-FN**, establishing a committee to study the organization and functions of the New Hampshire state port authority. (Amendment printed SJ 4.20/00)

Rep. Mercer moved that the House concur.

Adopted by the necessary two-thirds.

**CLERK'S NOTE**

The constitutionally required two-thirds of the membership was declared present.

**PARLIAMENTARY SITUATION**

The Speaker explained that the Senate had returned to the House for Concurrence with an amendment, **HB 542**, repealing the legacies and succession tax. Under House Rule 35(e), it needs a two-thirds majority for the House to consider because legislation substantially similar to the language contained in the Senate amendment was Indefinitely Postponed by the House in the first-year session.

**SENATE MESSAGES (CONT'D.)**

**REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 542-FN-A**, repealing the legacies and succession tax. (Amendment printed SJ 4/6/00)

**MOTION TO CONSIDER**

Reps. Chandler and Burling moved that the House consider the Senate Amendment to **HB 542**, repealing the legacies and succession tax.

Rep. Burling spoke in favor and yielded to questions.

Reps. Hager, Vaillancourt, Benjamin Moore, Kennedy and Hess spoke against.

Rep. Wallin spoke in favor.

Rep. McGuirk spoke against and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the motion to consider the Senate amendment to HB 542.

**YEAS 100 NAYS 250**

**YEAS 100**

**BELKNAP**

Boriso, Thomas

**CARROLL**

Dickinson, Howard

**CHESHIRE**

Avery, Stephen  
Lynch, Margaret  
Smith, Edwin

DePecol, Benjamin  
Riley, William

Doucette, Richard  
Roberts, William

Lerandeau, Alfred  
Russell, Ronald

**COOS**

Gallus, John  
Rodrigue, Robert

Horton, Lynn

Landers, Dana

Mears, Edgar

**GRAFTON**

Brothers, Richard  
LaMott, Paul

Densmore, Jessica  
Picconi, Al

Ham, Bonnie  
Ward, Brien

Harmon, Hobart

**HILLSBOROUGH**

Baroody, Benjamin  
Cote, David  
Desrosiers, William

Buckley, Raymond  
Cote, Peter  
Dwyer, Paul Sr

Burkush, James  
Daigle, Robert  
Foster, Linda

Clemons, Jane  
Desmarais, Vivian  
Ginsburg, Ruth

Goley, Jeffrey  
Konys, Christine  
Martel, Andre  
Moriarty, Mary  
Turgeon, Roland

Gorman, Mary  
Lefebvre, Roland  
McColgan, Philip Jr  
Murphy, Robert  
White, John

Johnson, Lionel  
Leishman, Peter  
McDonald, James Sr  
Reidy, Frank

Keye, Harvey  
Leonard, Peter  
McDonough-Wallace, Alice  
Simon, Anthony

### MERRIMACK

Virtue, Carolyn

Wallin, Jean

### ROCKINGHAM

Belanger, Ronald  
Downing, Michael  
Kane, Cecelia  
Morse, Charles  
Priestley, Anne  
Schanda, Frank  
Stritch, C Donald

Blanchard, MaryAnn  
Flanagan, Natalie  
Katsakiores, George  
O'Keefe, Patricia  
Raynowska, Bernard  
Shelton, Richard  
Vaughn, Charles

Cooney, Richard  
Hutchinson, Karen  
Katsakiores, Phyllis  
Pantelakos, Laura  
Rubin, George  
Shultis, Elizabeth

Dowling, Patricia  
Johnson, Robert  
Langone, John  
Pitts, Jacqueline  
Sapareto, Frank  
Splaine, James

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Kaen, Naida  
Snyder, Clair

Brennan, William  
DeChane, Marlene  
Lundborn, Raymond  
Taylor, Kathleen

Brown, George  
Domingo, Baldwin  
Musler, George  
Tsiros, William

Brown, Julie  
Heon, Richard  
Rollo, Michael  
Twardus, Joseph

### SULLIVAN

Burling, Peter

Donovan, Thomas Jr

Flint, Gordon Sr

### NAYS 250

### BELKNAP

Bartlett, Gordon  
Johnson, James  
Rice, Thomas  
Wood, Jane

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Turner, Robert

Holbrook, Robert  
Pilliod, James  
Wendelboe, Francine

### CARROLL

Babson, David Jr  
Kenney, Joseph  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

### CHESHIRE

Batchelder, Robert  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

Blaisdell, Michael  
Manning, Joseph  
Pratt, Irene  
Rose, William

Burnham, Daniel  
McGuirk, Paul  
Pratt, John  
Royce, H Charles

Hunt, John  
Meador, David  
Richardson, Barbara  
Zerba, Roger

### COOS

Davis, Perley  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Hall, David  
Nordgren, Sharon  
Weber, Phil

Alger, John  
Dudley, Terri  
Hinman, Harry  
Phinney, William

Almy, Susan  
Eaton, Stephanie  
Marshall, Gene  
Scanlan, David

Cobb, John  
Gilman, G Michael  
Mirski, Paul  
Solow, Martha

### HILLSBOROUGH

Ahern, Richard  
Arthur, Rose

Alukonis, David  
Beaupre, Roland

Andrews, Frederick  
Bergeron, Lucien

Arnold, Thomas Jr  
Brundige, Robert

Bruno, Pierre  
Christiansen, Lars  
Curran, James  
Dokmo, Cynthia  
Fenton, James  
Ford, Nancy  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Kurk, Neal  
Lasky, Bette  
MacGillivray, Jeffrey  
McRae, Karen  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Vaillancourt, Steve

Calawa, Leon Jr  
Clegg, Robert Jr  
Dalianis, Griffin  
Drabinowicz, A Theresa  
Fields, Dennis  
Gagnon, Eugene  
Hall, Betty  
Hunter, Bruce  
L'Heureux, Robert  
Lessard, Rudy  
McCarthy, William  
Melcher, Harold  
Moran, Edward  
O'Hearn, Jane  
Sarette, John  
Wall, Nancy

Carlson, Donald  
Coughlin, Pamela  
Daniels, Gary  
Durham, Susan  
Fletcher, Richard  
Garrish, Linda  
Herman, Keith  
Jean, Claudette  
LaPorte, George  
Lozeau, Donnalee  
McCarty, Winston  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Sargent, Maxwell  
White, Donald

Chabot, Robert  
Craig, James  
Dawe, Eileen  
Dyer, Merton  
Flora, Kathleen  
Goulet, Maurice  
Herman, Richard  
Jean, Loren  
LaRose, Richard  
Lynde, Harold  
McGough, Tim  
Messier, Irene  
Nolan-Piteri, Dawn  
Pepino, Leo  
Thulander, O Alan  
Withee, Dennis

### MERRIMACK

Anderson, Eric  
Chase, George  
Feuerstein, Martin  
Hess, David  
Larrabee, David Sr  
Marple, Richard  
Nichols, Avis  
Reardon, Tara  
Soltani, Tony  
Whittemore, James

Asplund, Bronwyn  
Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
St Cyr, Gerard  
Yeaton, Charles

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Kennedy, Richard  
Leber, William  
Maxfield, Roy  
Potter, Frances  
Rosenfield, Jay  
Wallner, Mary Jane

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Langer, Ray  
Lockwood, Priscilla  
Moore, Carol  
Poulin, Dave  
Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Cox, Russell  
Gibbons, Paul  
Hamel, Albert  
Kelley, William  
Lovejoy, Marian  
Norelli, Terie  
O'Neil, Michael  
Rabideau, Marie  
Stickney, Nancy  
Weare, Everett  
Whittier, John

Arndt, Janet  
Christie, Andrew Jr  
Fesh, Robert  
Gleason, John  
Henderson, Warren  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Reardon, Neil  
Stone, Joseph  
Weatherspoon, Jackie  
Zolla, William

Beaulieu, Jon  
Clark, Martha  
Flanders, John Sr  
Grant, Kenneth  
Hutchinson, Rebecca  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Bridle, Russell  
Clark, Vivian  
Francoeur, Sheila  
Griffin, Mary  
Kelley, Jane  
Letourneau, Robert  
Moore, Benjamin  
Noyes, Richard  
Quandt, Marshall  
Sabella, Norma  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Bickford, David  
Grassie, Anne  
Lent, Donald  
Smith, Marjorie  
Vachon, Dennis

Cossette, Larry  
Johnson, Nancy  
McKinley, Robert  
Spang, Judith  
Wall, Janet

Dunlap, Patricia  
Keans, Sandra  
Pelletier, Arthur  
Spear, Barbara  
Woods, Phyllis

Estabrook, Iris  
Knowles, William  
Rogers, Rose Marie  
Torr, Franklin

### SULLIVAN

Allison, David  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Jones, Constance  
Robb-Theroux, Amy

Kibbey, David  
Tuthill, John

and the motion failed.

Rep. Hager did not vote and wished to be recorded against.



## PARLIAMENTARY SITUATION

The Speaker explained that the Senate had passed a bill, **SB 329**, relative to the display of tobacco products. Under House Rule 35(e), it needs a two-thirds majority for the House to introduce because substantially similar legislation was voted Inexpedient to Legislate by the House in the first-year session.

## MOTION FOR INTRODUCTION

### RESOLUTION

Rep. Hunt offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 329 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Rep. Hunt spoke against.

The motion failed.

## COMMITTEE OF CONFERENCE REPORT ON SB 143

Committee of Conference Report on SB 143-FN, an act relative to penalties for incest.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Conferees: Sens. Pignatelli, Dist. 13; Squires, Dist. 12 and Brown, Dist. 16

Conferees: Reps. Welch, Rock. 18; Lozeau, Hills. 30; Tholl, Coos 5 and Knowles, Straf. 11

Adopted.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 315**, changing the form for writs of execution, removed by Rep. Mirski.

Consent Calendar adopted.

**SB 349**, relative to the sale of the marital residence or other real property in a domestic proceeding. **OUGHT TO PASS WITH AMENDMENT**

Rep. Edward P. Moran, Jr. for Children and Family Law: This bill sets parameters for the court in issuing temporary orders regarding the marital residence in a divorce, separation, or annulment proceeding. This may include the sale of the marital residence with prior written consent of both parties. Absent this mutual consent, however, the bill would allow the sale of the marital residence prior to the final hearing, only if the court is not satisfied that the party residing in the marital residence has the financial capability to pay the property obligations as they come due. Vote 11-1.

### Amendment (4184h)

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the sale of the marital residence in a domestic proceeding.

Amend RSA 458:16, I (h) as inserted by section 1 of the bill by replacing it with the following:

(h) Ordering the sale of the marital residence provided that both parties have previously filed a written stipulation with the clerk of the court explicitly agreeing to the sale of the property prior to the final hearing on the merits. If the parties have not so stipulated, the sale of the marital residence shall not be ordered prior to the final hearing as long as the court deems the party residing within the marital residence to have sufficient financial resources to pay the debts or obligations generated by the property, including mortgage payments, taxes, insurance, and ordinary maintenance, as those debts and obligations come due.

### AMENDED ANALYSIS

This bill sets forth circumstances allowing the court, in a divorce, separation, or annulment proceeding, to issue an order for temporary relief which may include the sale of the marital residence

with the prior written consent of both parties. Absent this consent, the bill prohibits the sale of the marital residence prior to the final hearing provided the court deems the party residing within the marital residence to have sufficient financial resources to pay the debts or obligations generated by the property.

**SB 386-FN-L**, relative to names on birth certificates and affidavits of paternity. **OUGHT TO PASS**  
Rep. Edward P. Moran, Jr. for Children and Family Law This bill requires that when a court has determined the paternity of a minor child, each final order made shall be forwarded by the court to the city or town clerk where the birth occurred for entry on the birth certificate. This is simply to ensure that the court's finding be recorded at the appropriate place in a timely manner. Vote 12-0.

**SB 97**, relative to charitable trusts which are institutional funds. **OUGHT TO PASS WITH AMENDMENT**

Rep. Joseph D. Kenney for Commerce: This bill allows the governing body or trustee or trustees managing a charitable trust which is an institutional fund to appropriate expenditures from the realized and unrealized net appreciation in the fair value of the charitable trust. The committee felt there is a need to create a more flexible investment environment for charitable trust funds, which in the past were restricted to a principal investment policy. Vote 12-0.

#### Amendment (4251h)

Amend the bill by replacing section 1 with the following:

1 Management of Institutional Funds; Declaration of Purpose. Amend RSA 292-B:1 to read as follows:

292-B:1 Declaration of Purpose. It is hereby declared to be in the public interest and to be the policy of the state to promote, by all reasonable means, the maintenance and growth of eleemosynary institutions by encouraging them *and those who manage one or more charitable trusts which are for the sole benefit of eleemosynary institutions or other charitable purposes* to establish and continue investment policies, without artificial constraints, which will provide them with the means to meet the present and future needs of such eleemosynary institutions *and charitable purposes* pursuant to the provisions of this act. To this end it is hereby declared to be in the public interest and to be the policy of the state to encourage such institutions *and those who manage charitable trusts for the benefit of such institutions or other charitable purposes* to adopt investment policies whose objective is to obtain the highest possible total rate of return consistent with the standard of prudence.

Amend the bill by replacing section 4 with the following:

4 Definition of Historic Dollar Value; Gift Instrument. Amend RSA 292-B:1-a, IV-VI to read as follows:

IV. "Governing board" means the body responsible for the management of an institution or of an institutional fund *or a trustee or trustees of a charitable trust*.

V. "Historic dollar value" means the aggregate fair value in dollars of (i) an endowment fund at the time it became an endowment fund, (ii) each subsequent donation to the fund at the time it is made, and (iii) each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution *or one who holds the institutional fund* is conclusive.

VI. "Gift instrument" means a will, deed, grant conveyance, agreement, memorandum, writing, or other governing document (including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held *for or* by an institution as an institutional fund.

**SB 343**, relative to disclosures concerning sexual offenders in sales of real property. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would require residential property disclosure statements encouraging purchasers to exercise due diligence in checking public information records on sexual offenders. The committee believes that the disclosure of sex offenders in a neighborhood is not, and should not be, the responsibility of the sellers of real property or their agent. The purpose of Megan's Law is to allow concerned citizens a means of obtaining a list of convicted sex offenders from their local police, not requiring others to provide second or third hand information. Vote 12-0.

**SB 350**, adding business development to the law governing industrial development authorities. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill adds business development to RSA 162-G, the law governing industrial development authorities. It authorizes governmental units to enter into lease subsidy contracts and to accept grants to carry out the purposes of RSA 162-G. It also clarifies certain provisions of the law. There was strong support for adding business development to the law. Vote 12-0.

**SB 351**, making certain changes in the laws relative to fraternal benefit societies and health service corporations. **OUGHT TO PASS**

Rep. Stephen G. Avery for Commerce: This bill makes certain clarifications in the law regarding fraternal benefit societies. It will give the Insurance Department greater flexibility in investigations and allows the fraternal society to be more flexible in how they invest their funds. This bill also changes the expiration date on licenses issued to health service corporations from April 1st to June 14th. The bill is supported by the Insurance Department. Vote 12-0.

**SB 369**, establishing a committee to conduct a study on the need for standards to protect health information privacy. **INEXPEDIENT TO LEGISLATE**

Rep. Sheila T. Francoeur for Commerce: This bill would have established a committee to study the need for standards to protect health information privacy. The committee instructed the Insurance Department to draft a set of standards based on the National Association of Insurance Commissioners model and circulate to all the appropriate agencies, as well as members of the Commerce Committee for comment. After review, the department will recommend legislation for next session. Vote 13-0.

**SB 418**, relative to liquor liability insurance coverage. **REFER INTERIM FOR STUDY**

Rep. Stephen G. Avery for Commerce: This bill would allow the liquor commission to require, as a condition of the issuance, renewal, or reinstatement of any license that the licensee provide a certificate of insurance for liquor liability when they have violated the prohibition on serving minors or intoxicated persons, and making those establishments financially viable when accidents occur because of their negligence. During the hearing and subsequent subcommittee sessions, many different views and suggestions came to light. The committee strongly supports the commission's efforts to curb underage drinking and wants time to come up with a bill that covers all of aspects of this problem. The committee will come out with an improved bill for the next session. Vote 13-0.

**SB 452**, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses. **OUGHT TO PASS**

Rep. Frank M. Schanda for Criminal Justice and Public Safety: This bill increases the amount of money, operators of bingo games may be reimbursed for out of pocket expenses to \$25 per game date. This bill does not mandate that organizations adopt this policy. It merely enables organizations to do so, if their respective board of directors so chooses. There was no opposition to this bill at the public hearing. Vote 12-0.

**SB 305**, relative to payments to defeat eviction for nonpayment of rent. **OUGHT TO PASS**

Rep. Sandra B. Keans for Judiciary: This bill simply clears up a loophole in the tenant/landlord statutes. Currently a tenant gets up to 3 chances to pay arrearages in a year. This legislation defines the year as a "12 month period". All sides were in agreement that this is the intent of the law. Vote 12-0.

**SB 308**, relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties. **OUGHT TO PASS WITH AMENDMENT**

Rep. Peter F. Bergin for Judiciary: This bill as, amended, will enable the adoption of a minor child by grandparents without going through lengthy procedures as is presently the case. The court may proceed directly to a hearing and decree in cases where the grandparent or grandparents seek to adopt a minor child provided the parents of the minor child have consented to the adoption and that the child has resided with the grandparent(s) at least 3 years prior to the adoption. The bill also provides that a de novo appeal to the superior court in abuse and neglect proceedings shall be provided in cases before the family division of the courts. Vote 12-0.



**Amendment (4161h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Adoption; Adoption by Grandparent or Grandparents. Amend RSA 170-B:14 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding the provisions of RSA 170-B:14, I and II, where a grandparent or grandparents seek to adopt the minor child, the court may proceed to a hearing and a decree without an investigation when both of the following circumstances are met:

(a) The parents of the minor child have consented to the adoption; and

(b) The minor child has resided with the grandparent or grandparents for at least 3 years prior to filing the petition for adoption.

Amend RSA 170-B:15, III (b) as inserted by section 2 of the bill by replacing it with the following:

*(b) May issue a final decree of adoption where a grandparent or grandparents seek to adopt a minor child pursuant to RSA 170-B:14, V; or*

Amend RSA 169-C:28, II as inserted by section 3 of the bill by replacing it with the following:

*II. This section shall apply to all appeals under this chapter, including appeals in proceedings before the family division of the courts.*

**AMENDED ANALYSIS**

This bill provides that upon the fulfillment of certain criteria, the court may proceed directly to a hearing and decree in cases where the grandparent or grandparents seek to adopt a minor child. The bill also provides that a de novo appeal to the superior court in abuse and neglect proceedings shall be provided in cases before the family division of the courts.

**SB 346**, relative to court appearances by certain business owners. **INEXPEDIENT TO LEGISLATE**  
Rep. John M. Pratt for Judiciary: It was the unanimous judgment of the committee that procedures presently exist within the court system to accomplish the purpose proposed by this legislation and therefore this legislation was not needed. Vote 13-0.

**SB 312**, relative to fluoride. **INEXPEDIENT TO LEGISLATE**

Rep. Jay Rosenfield for Municipal and County Government: This bill would have changed the percentage of town, city, or village water district voters needed to put a fluoridation question on a warrant or ballot from 10% to 5%. A change to 5% would make it easier to introduce the issue to fluoridate as well as to remove it from water supply systems. Testimony pro and con was heard from people on both sides of the fluoridation issue. The Municipal & County Government Committee felt that the status of fluoridation should not be in constant flux, and voted this bill ITL by an overwhelming majority. Vote 13-1.

**SB 340**, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting. **OUGHT TO PASS**

Rep. Paul A McGuirk for Municipal and County Government: The Committee studying the issue of outdoor lighting has requested an extension of its report date to November 1, 2000 and the Municipal & County Government Committee unanimously agreed to this request. Vote 14-0.

**SB 344**, relative to appointment of housing consumers to housing authority boards. **OUGHT TO PASS**

Rep. Marilyn A. Fraser for Municipal and County Government: The bill simply provides for the appointment of a sixth commissioner to a municipal housing authority board. Such sixth commissioner shall be a public housing resident of one of the projects administered by that housing authority board. A federal regulation in 1998 requires that a public housing resident be on the board. Rather than asking a standing member to step-down in order to appoint such a resident it seemed more prudent to add a sixth member. Vote 14-0.

**SB 347-L**, relative to the contributory retirement system of the city of Manchester. **INEXPEDIENT TO LEGISLATE**



Rep. Anthony F. Simon for Municipal and County Government: This bill would have allowed the City of Manchester to amend its retirement system by way of the Municipal Charter amendment procedures provided by RSA 49-B. This would change the current procedure that also requires legislative approval of any such changes. The sponsor appeared before the Committee to inform us that subsequent to the passage of this bill by the Senate, he received additional information from interested parties and is now opposed to it. He requested we report it Inexpedient to Legislate and we voted to do so unanimously. Vote 14-0.

**SB 330**, establishing a committee to study the impact of water withdrawals on instream flows. **OUGHT TO PASS WITH AMENDMENT**

Rep. Michael W. Downing for Resources, Recreation and Development: This bill establishes a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on littoral and riparian property owners, including agriculture and business and industrial operations. It further allows the committee to review the proposed rules which will not be allowed to go into effect prior to July 1, 2001. The committee will then have time to evaluate the rules and their actual effect after they have been implemented and recommend the necessary changes. The committee felt that this provided the necessary oversight as these rules are developed and implemented. Vote 19-0.

### Amendment (4244h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows, including the relationship between water withdrawals and instream flows on rivers designated for protection under RSA 483 and the potential need for the incorporation of criteria for the maintenance of instream flow into water quality standards under RSA 485-A:8.

Amend the bill by replacing section 3 with the following:

#### 3 Duties.

I. The committee shall study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows, including the relationship between water withdrawals and instream flows on rivers designated for protection under RSA 483 and the potential need for the incorporation of criteria for the maintenance of instream flow into water quality standards under RSA 485-A:8. The committee shall evaluate the instream flow provisions of RSA 483, as implemented by the department of environmental services, and shall recommend changes to RSA 483 and/or RSA 485-A to accomplish the purposes of watershed management for maintenance of instream flows.

II. The committee shall evaluate the effects of instream flow regulation on the rights of littoral and riparian property owners, including agriculture and business and industrial operations. Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Establishment of Protected Instream Flows; Rulemaking. Notwithstanding any other provision of law, no rules relative to instream flows under RSA 483:9-c, I shall take effect prior to July 1, 2001.

### AMENDED ANALYSIS

This bill establishes a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows.

**SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages. **OUGHT TO PASS WITH AMENDMENT**

Rep. Jeffrey C. MacGillivray for Science, Technology and Energy: The bill as amended contains two provisions regarding municipal acquisitions of utility property. The original bill addressed a

situation that occurs when a municipality acquires utility property and a determination of consequential damages (acquisition price of the utility property) must be made. The committee amendment clarifies that the utility shall be allowed to have consequential damages determined by federal regulators or by state regulators, but not both. The committee amendment also adds a provision requested by municipalities considering purchasing hydroelectric generation facilities within their borders. To reduce financing costs, this provision allows municipalities to jointly issue municipal revenue bonds or notes to finance the purchase of these hydroelectric generation facilities, if they choose. Vote 13-0.

#### Amendment (4049h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that when a municipality acquires utility property, the utility should not be allowed to seek determination of consequential damages before both federal and state regulatory agencies, but instead shall be allowed to have consequential damages determined by exactly one regulatory agency, either federal or state, as provided by the federal regulatory agency.

2 New Section; Aggregate Municipal Revenue Bonds. Amend RSA 38 by inserting after section 13 the following new section:

38:13-a Aggregate Municipal Revenue Bonds. If the commission orders divestiture of generation facilities in the implementation of electric utility restructuring under RSA 374-F, any municipality which has voted to acquire a hydro-electric facility as provided in RSA 38 may jointly issue with any other municipality which has also voted to acquire a hydro-electric facility as provided in RSA 38 municipal revenue bonds and notes pursuant to RSA 33-B as may be necessary and expedient for the purpose of defraying the cost of purchasing or taking such hydro-electric generation facilities. Such municipal revenue bonds or notes may be in the aggregate of the total cost of purchasing or taking such generation facilities as set forth in RSA 33-B:3 and may be issued in the joint names of any such municipalities in accordance with their respective interests therein. In all other respects, the provisions of RSA 33-B shall apply to the issuance of such municipal revenue bonds and notes.

3 Amend RSA 38:33 to read as follows:

38:33 Consequential Damages. ~~[To the extent that]~~ *In matters over which* the Federal Energy Regulatory Commission does not have jurisdiction, *or has jurisdiction but chooses to grant jurisdiction to the state*, the commission shall determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from a utility and shall establish an appropriate recovery mechanism for such damages. The commission need not make such a determination when the municipality and utility agree upon the sale of utility plant and property.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill authorizes municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities. This bill clarifies the Federal Energy Regulatory Commission's authority to determine consequential damages in matters over which the commission does not have jurisdiction or has chosen to grant jurisdiction to the state.

#### REGULAR CALENDAR

**SB 454**, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license. **OUGHT TO PASS**

Rep. Joseph D. Kenney for Commerce: This bill establishes fines for failure to renew a retail seller's license prior to the license expiration date. Presently, the fine for retail installment sales of motor vehicles after failure to renew a retail seller's license is \$25 per day. The committee felt that a fine should not exceed \$250 on the first occurrence of failure to renew and \$500 for any subsequent occurrence. This approach is more practical and would not over penalize sellers who forgot to renew their license. Also, this bill would change the license renewal date from January 1 to May 1 as requested by the NH Banking Department. Vote 10-3.

Adopted and ordered to third reading.

**SB 420-FN**, increasing the penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl, Jr. for the Majority of Criminal Justice and Public Safety: This bill provides that a person convicted of purposeful cruelty to animals while in the presence of a child under the age of 13 and with the intent of intimidating, threatening, coercing, or terrorizing such child may be sentenced to a term of imprisonment not exceeding 9 years. The original bill called for a mandatory minimum sentence of 1 year to a maximum of 9 years. The amendment removes the mandatory section and leaves the increased maximum of 9 years. Vote 9-3.

Reps. Robert M. Fesh, Everett A. Weare and Frank D. Callaghan for the Minority of Criminal Justice and Public Safety: Cruelty to animals is already a class B felony punishable by up to 3 ½ to 7 years in prison and is easier to prove. This is feel good legislation and not needed. RSA 644:8,III-a already provides that a person is guilty of a class B felony in New Hampshire, if he or she purposely beats, cruelly whips, tortures or mutilates any animal or causes any animal to be beaten, cruelly whipped, tortured, or mutilated. This legislation would be the first and only one in the nation like it. New Hampshire already has laws to protect all people of all ages not just those 13 years of age and under. This is unnecessary legislation.

### Amendment (4203h)

Amend the title of the bill by replacing it with the following:

**AN ACT** increasing the maximum penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening.

Amend RSA 644:8, III-a(b) as inserted by section 4 of the bill by replacing it with the following:

*(b) A person who commits a crime under subparagraph III-a(a) with the purpose of intimidating, threatening, coercing, or terrorizing a person under 13 years of age and while in the presence of such person under 13 years of age shall be guilty of a felony and may be sentenced to a maximum of 9 years imprisonment.*

### AMENDED ANALYSIS

This bill provides that a person convicted of purposeful cruelty to animals while in the presence of a child under the age of 13 and with the intent of intimidating, threatening, coercing, or terrorizing such person may be sentenced to a term of imprisonment not exceeding 9 years. This bill makes the act of committing or threatening to commit cruelty to animals with the purpose of intimidating, threatening, coercing, or terrorizing another person a criminal threatening offense. This bill also provides that such an act that is committed with the use of a deadly weapon shall be a class B felony. Majority amendment adopted.

Rep. Fesh spoke against.

Rep. Tholl spoke in favor and yielded to questions.

Rep. Daniels requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 166 NAYS 173

#### YEAS 166

#### BELKNAP

Bartlett, Gordon  
Salatiello, Thomas

Boriso, Thomas  
Turner, Robert

Johnson, James

Millham, Alida

#### CARROLL

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Patten, Betsey

Howard, Godfrey

Kenney, Joseph

#### CHESHIRE

Avery, Stephen  
Hunt, John

Batchelder, Robert  
Lerandeau, Alfred

Burnham, Daniel  
Lynch, Margaret

Doucette, Richard  
McGuirk, Paul

Meador, David  
Riley, William  
Smith, Edwin

Mitchell, McKim  
Roberts, William

Pratt, Irene  
Robertson, Timothy

Richardson, Barbara  
Royce, H Charles

## COOS

Davis, Perley  
Mears, Edgar  
Woodward, David

Gallus, John  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

Landers, Dana  
Tholl, John Jr

## GRAFTON

Brothers, Richard  
Dudley, Terri  
Marshall, Gene

Cobb, John  
Eaton, Stephanie  
Nordgren, Sharon

Copenhaver, Marion  
Harmon, Hobart  
Scanlan, David

Densmore, Jessica  
LaMott, Paul

## HILLSBOROUGH

Alukonis, David  
Cote, David  
Desrosiers, William  
Foster, Linda  
Jean, Claudette  
LaRose, Richard  
McColgan, Philip Jr  
Murphy, Robert  
Sargent, Maxwell

Baroody, Benjamin  
Cote, Peter  
Durham, Susan  
Gagnon, Eugene  
Keye, Harvey  
Leonard, Peter  
McDonough-Wallace, Alice  
O'Hearn, Jane  
Thulander, O Alan

Buckley, Raymond  
Coughlin, Pamela  
Fields, Dennis  
Goulet, Maurice  
Konys, Christine  
MacGillivray, Jeffrey  
McGough, Tim  
Reidy, Frank

Calawa, Leon Jr  
Daigle, Robert  
Ford, Nancy  
Hall, Betty  
L'Heureux, Robert  
McCarty, Winston  
Moriarty, Mary  
Sarette, John

## MERRIMACK

Anderson, Eric  
Fraser, Marilyn  
Jacobson, Alf  
Rodd, Beth

Asplund, Bronwyn  
French, Barbara  
Moore, Carol  
Wallner, Mary Jane

Bouchard, Candace  
Gile, Mary  
Poulin, Dave  
Whalley, Michael

Crosby, Toni  
Hess, David  
Reardon, Tara  
Yeaton, Charles

## ROCKINGHAM

Arndt, Janet  
Christie, Andrew Jr  
Flanders, John Sr  
Henderson, Warren  
Langone, John  
Nowe, Ronald  
Packard, Sherman  
Rabideau, Marie  
Sapareto, Frank  
Stone, Joseph

Belanger, Ronald  
Clark, Martha  
Grant, Kenneth  
Kane, Cecelia  
Lovejoy, Marian  
Noyes, Richard  
Pantelakos, Laura  
Rubin, George  
Schanda, Frank  
Tufts, J Arthur

Blanchard, MaryAnn  
Downing, Michael  
Griffin, Mary  
Kelley, Jane  
McKinney, Betsy  
O'Keefe, Patricia  
Priestley, Anne  
Ruffner, Walter  
Shelton, Richard  
Vaughn, Charles

Case, Margaret  
Flanagan, Natalie  
Hamel, Albert  
Kobel, Rudolph  
Norelli, Terie  
O'Neil, Michael  
Quandt, Marshall  
Sabella, Norma  
Splaine, James  
Welch, David

## STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Kaen, Naida  
Rogers, Rose Marie  
Spang, Judith  
Woods, Phyllis

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Rollo, Michael  
Spear, Barbara

Brown, Julie  
Grassie, Anne  
Knowles, William  
Smith, Marjorie  
Twardus, Joseph

DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Snyder, Clair  
Wall, Janet

## SULLIVAN

Allison, David  
Robb-Theroux, Amy

Burling, Peter  
Young, David

Jones, Constance

Leone, Richard

## NAYS 173

## BELKNAP

Boyce, Robert  
Pilliod, James

Czech, Stanley  
Rice, Thomas

Holbrook, Robert  
Russell, David

Lawton, David  
Wendelboe, Francine



**CARROLL**

Babson, David Jr  
Torressen, Gary

Dickinson, Howard

Mock, Henry

Sullivan, P Judith

**CHESHIRE**

Blaisdell, Michael  
Russell, Ronald

Lynott, Margaret  
Zerba, Roger

Manning, Joseph

Rose, William

**COOS**

Guay, Lawrence

Rodrigue, Robert

**GRAFTON**

Akins, Ralph  
Hall, David  
Phinney, William

Alger, John  
Ham, Bonnie  
Ward, Brien

Almy, Susan  
Hinman, Harry

Gilman, G Michael  
Mirski, Paul

**HILLSBOROUGH**

Ahern, Richard  
Beaupre, Roland  
Burkush, James  
Clegg, Robert Jr  
Dalianis, Griffin  
Drabinowicz, A Theresa  
Flora, Kathleen  
Gorman, Mary  
Holley, Sylvia  
Kurk, Neal  
Lessard, Rudy  
McCarthy, William  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Vaillancourt, Steve  
Withee, Dennis

Andrews, Frederick  
Bergeron, Lucien  
Carlson, Donald  
Clemons, Jane  
Daniels, Gary  
Dyer, Merton  
Garrish, Linda  
Haettenschwiller, Alphonse  
Hunter, Bruce  
LaPorte, George  
Lozeau, Donnalee  
McDonald, James Sr  
Messier, Irene  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Wall, Nancy

Arnold, Thomas Jr  
Brundige, Robert  
Chabot, Robert  
Craig, James  
Dawe, Eileen  
Fenton, James  
Ginsburg, Ruth  
Herman, Keith  
Jean, Loren  
Lefebvre, Roland  
Lynde, Harold  
McRae, Karen  
Milligan, Robert  
O'Connell, Timothy  
Simon, Anthony  
White, Donald

Arthur, Rose  
Bruno, Pierre  
Christiansen, Lars  
Curran, James  
Desmarais, Vivian  
Fletcher, Richard  
Goley, Jeffrey  
Herman, Richard  
Johnson, Lionel  
Leishman, Peter  
Martel, Andre  
Melcher, Harold  
Moran, Edward  
Ouellette, Dean  
Turgeon, Roland  
White, John

**MERRIMACK**

Brewster, Richard  
Feuerstein, Martin  
Lavoie, Gerard  
Marshall, Kenneth  
Potter, Frances  
Wallin, Jean

Chase, George  
Kennedy, Richard  
Leber, William  
Maxfield, Roy  
Rosenfield, Jay  
Whittemore, James

Daneault, Gabriel  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
St Cyr, Gerard

Davis, Francis  
Larrabee, David Sr  
Marple, Richard  
Owen, Derek  
Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis  
Cooney, Richard  
Francoeur, Sheila  
Hutchinson, Rebecca  
Kelley, William  
Morse, Charles  
Raynowska, Bernard  
Stritch, C Donald  
Weyler, Kenneth

Beaulieu, Jon  
Cox, Russell  
Gibbons, Paul  
Johnson, Robert  
Langley, Jane  
Nowe, Mary Lou  
Reardon, Neil  
Varrell, Thomas  
Whittier, John

Bridle, Russell  
Dowling, Patricia  
Gleason, John  
Katsakiores, George  
Letourneau, Robert  
Pitts, Jacqueline  
Shultis, Elizabeth  
Weare, Everett  
Zolla, William

Clark, Vivian  
Fesh, Robert  
Hutchinson, Karen  
Katsakiores, Phyllis  
Major, Norman  
Putnam, Ed II  
Stickney, Nancy  
Weatherspoon, Jackie

**STRAFFORD**

Bickford, David  
Domingo, Baldwin  
Musler, George  
Vachon, Dennis

Brown, George  
Heon, Richard  
Pelletier, Arthur

Callaghan, Frank  
Lundborn, Raymond  
Torr, Franklin

Cossette, Larry  
McKinley, Robert  
Tsiros, William

**SULLIVAN**

Cloutier, John  
Phinzy, James

Donovan, Thomas Jr  
Tuthill, John

Flint, Gordon Sr  
Wiggins, Celestine

Kibbey, David

and the majority report failed.

Rep. Daniels moved Inexpedient to Legislate.

Adopted.

**SB 219-FN-L**, establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**

Rep. Warren C. Henderson for Education: The Education Committee devoted extraordinary effort to crafting its position on school accountability. The House position on school accountability was established by the recent passage of HB 1521. Our school accountability bill keeps parents, teachers and our communities informed and involved in school improvement. It permits the state to offer any available assistance which school districts request and establishes a meaningful partnership among all those who share our commitment to education. SB 219 contains many of the elements in HB 1521, but it includes the objectionable provisions that could lead to a "state takeover" of targeted schools. SB 219, while undoubtedly well intended, transfers far too much power away from our schools into the state bureaucracy. SB 219 doesn't even have the provision to audit the Department of Education, a concept embraced by all sides in the House. Because of its broad inconsistencies with the established House position on school accountability, the committee recommends the bill be found inexpedient to legislate. Vote 12-4.

Rep. Burling requested a roll call; sufficiently seconded.

The question being the adoption of the report.

**YEAS 211 NAYS 125**

**YEAS 211**

**BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Pilliod, James  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James  
Rice, Thomas

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Millham, Alida  
Turner, Robert

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Sullivan, P Judith

Chandler, Gene  
Lyman, L Randy  
Torressen, Gary

Dickinson, Howard  
Mock, Henry

**CHESHIRE**

Avery, Stephen  
Roberts, William

Hunt, John  
Rose, William

Lynott, Margaret  
Royce, H Charles

Manning, Joseph  
Smith, Edwin

**COOS**

Davis, Perley  
Merrill, Gerald

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Tholl, John Jr

Horton, Lynn  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Ham, Bonnie  
Marshall, Gene  
Ward, Brien

Alger, John  
Eaton, Stephanie  
Harmon, Hobart  
Mirski, Paul

Brothers, Richard  
Gilman, G Michael  
Hinman, Harry  
Phinney, William

Cobb, John  
Hall, David  
LaMott, Paul  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Brundige, Robert  
Chabot, Robert

Andrews, Frederick  
Bruno, Pierre  
Christiansen, Lars

Arnold, Thomas Jr  
Calawa, Leon Jr  
Clegg, Robert Jr

Beaupre, Roland  
Carlson, Donald  
Coughlin, Pamela

Dalianis, Griffin  
 Durham, Susan  
 Fletcher, Richard  
 Goulet, Maurice  
 Jean, Loren  
 LaPorte, George  
 Lozeau, Donnalee  
 McCarty, Winston  
 Mercer, Robert  
 Mosher, William  
 Ouellette, Dean  
 Thulander, O Alan  
 White, Donald

Daniels, Gary  
 Dyer, Merton  
 Flora, Kathleen  
 Herman, Keith  
 Johnson, Lionel  
 LaRose, Richard  
 MacGillivray, Jeffrey  
 McDonald, James Sr  
 Messier, Irene  
 Nolan-Piteri, Dawn  
 Pepino, Leo  
 Turgeon, Roland  
 Withee, Dennis

Dawe, Eileen  
 Fenton, James  
 Ford, Nancy  
 Holley, Sylvia  
 Kurk, Neal  
 Leishman, Peter  
 Martel, Andre  
 McGough, Tim  
 Milligan, Robert  
 O'Connell, Timothy  
 Reeves, Sandra  
 Vaillancourt, Steve

Desmarais, Vivian  
 Fields, Dennis  
 Gagnon, Eugene  
 Hunter, Bruce  
 L'Heureux, Robert  
 Lessard, Rudy  
 McCarthy, William  
 McRae, Karen  
 Moran, Edward  
 O'Hearn, Jane  
 Sargent, Maxwell  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Davis, Francis  
 Langer, Ray  
 Lockwood, Priscilla  
 Nichols, Avis

Asplund, Bronwyn  
 Feuerstein, Martin  
 Larrabee, David Sr  
 Marple, Richard  
 Poulin, Dave

Brewster, Richard  
 Hess, David  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Whalley, Michael

Chase, George  
 Kennedy, Richard  
 Leber, William  
 Maxfield, Roy  
 Whittemore, James

### ROCKINGHAM

Arndt, Janet  
 Case, Margaret  
 Cox, Russell  
 Flanders, John Sr  
 Grant, Kenneth  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Nowe, Mary Lou  
 Packard, Sherman  
 Rabideau, Marie  
 Ruffner, Walter  
 Stone, Joseph  
 Weare, Everett  
 Zolla, William

Beaulieu, Jon  
 Christie, Andrew Jr  
 Dowling, Patricia  
 Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 Nowe, Ronald  
 Priestley, Anne  
 Raynowska, Bernard  
 Sabella, Norma  
 Stritch, C Donald  
 Welch, David

Belanger, Ronald  
 Clark, Vivian  
 Fesh, Robert  
 Gibbons, Paul  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 Noyes, Richard  
 Putnam, Ed II  
 Reardon, Neil  
 Sapareto, Frank  
 Tufts, J Arthur  
 Weyler, Kenneth

Bridge, Russell  
 Cooney, Richard  
 Flanagan, Natalie  
 Gleason, John  
 Henderson, Warren  
 Kelley, William  
 Letourneau, Robert  
 Morse, Charles  
 O'Neil, Michael  
 Quandt, Marshall  
 Rubin, George  
 Stickney, Nancy  
 Varrell, Thomas  
 Whittier, John

### STRAFFORD

Bickford, David  
 McKinley, Robert  
 Tsiros, William

Callaghan, Frank  
 Musler, George  
 Woods, Phyllis

Cossette, Larry  
 Spear, Barbara

Dunlap, Patricia  
 Torr, Franklin

### SULLIVAN

Flint, Gordon Sr  
 Young, David

Jones, Constance

Kibbey, David

Leone, Richard

### NAYS 125

### BELKNAP

Salatiello, Thomas

### CARROLL

None

### CHESHIRE

Batchelder, Robert  
 Lerandeau, Alfred  
 Pratt, Irene  
 Zerba, Roger

Blaisdell, Michael  
 Lynch, Margaret  
 Richardson, Barbara

Burnham, Daniel  
 Meader, David  
 Riley, William

Doucette, Richard  
 Mitchell, McKim  
 Robertson, Timothy

**COOS**

Landers, Dana                      Mears, Edgar                      Rodrigue, Robert

**GRAFTON**

Almy, Susan                      Copenhaver, Marion                      Densmore, Jessica                      Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Drabinowicz, A Theresa	Foster, Linda	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Jean, Claudette	Keye, Harvey	Konys, Christine
Lefebvre, Roland	Leonard, Peter	Lynde, Harold	McColgan, Philip Jr
McDonough-Wallace, Alice	Melcher, Harold	Moriarty, Mary	Murphy, Robert
Reidy, Frank	Sarette, John	Simon, Anthony	White, John

**MERRIMACK**

Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Fraser, Marilyn
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Owen, Derek	Potter, Frances	Reardon, Tara	Rodd, Beth
Rosenfield, Jay	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Downing, Michael
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Vaughn, Charles	Weatherspoon, Jackie		

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Phinzy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the report was adopted.

**SB 360, adopting a pupil safety and violence prevention act. OUGHT TO PASS WITH AMENDMENT**

Rep. Susan B. Durham for Education: The committee agreed with the intent of this bill, that New Hampshire children attend a public school that is safe by developing a policy to address harassment and violence. The amendment replaces the bill because the committee felt local school boards should develop a policy that addresses bullying and harassment. The policy would address prevention, with opportunities to encourage awareness, knowledge, and skills of school employees to respond to pupil safety, and with a required report to superintendents of incidents of harassment that could provoke violence. Vote 12-5.

**Amendment (4198h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Pupil Safety and Violence Prevention. Amend RSA by inserting after chapter 193-E the following new chapter:



## CHAPTER 193-F

## Pupil Safety and Violence Prevention

193-F:1 Title. This chapter shall be known, and may be cited as the "Pupil Safety and Violence Prevention Act of 2000."

193-F:2 Purpose and Intent. The general court hereby finds that all pupils have the right to attend public schools that are safe, secure, and peaceful. One of the legislature's highest priorities must be to protect our children from violence by dealing with harassment, including "bullying", in our public schools.

## 193-F:3 Pupil Safety and Violence Prevention.

I. Each local school board shall adopt a pupil safety and violence prevention policy which addresses pupil harassment, also known as "bullying", and which is consistent with the provisions of this chapter.

II. Any school employee, or employee of a company under contract with a school or school district, who has witnessed or has reliable information that a pupil has been subjected to insults, taunts, or challenges, whether verbal or physical in nature, which are likely to intimidate or provoke a violent or disorderly response shall report such incident to the principal, or designee who shall in turn report the incident to the superintendent.

III. The remedy required in paragraph II shall be defined by the local school board. The local school board may provide opportunities for educators to have the knowledge and skills to prevent and respond to acts covered by this chapter.

IV. A school employee, or employee of a company under contract with a school or school district, who has reported violations under this chapter to the principal, or designee or who has intervened under paragraph II, shall be immune from any cause of action which may arise from the failure to remedy the reported incident.

193-F:4 Specific Curriculum Not Required. Nothing in this chapter requires the inclusion of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution. The omission of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution is not a violation of this chapter.

2 New Paragraph; Duties of the State Board of Education; Technical Assistance Advisory Relative to Pupil Safety and Violence Prevention Added. Amend RSA 186:11 by inserting after paragraph XXXV the following new paragraph:

XXXVI. PUPIL SAFETY AND VIOLENCE PREVENTION. Develop and distribute to school districts a technical assistance advisory for the purpose of providing guidance to school districts on the implementation of pupil safety and violence prevention policies as required under RSA 193-F.

3 Effective Date. This act shall take effect January 1, 2001.

## AMENDED ANALYSIS

This bill requires that each school district adopt, implement, and enforce its own pupil safety and violence prevention policy and provides that the state board of education shall issue a technical assistance advisory to school districts offering guidance on how to proceed.

Rep. Durham yielded to questions.

Rep. O'Hearn spoke in favor and yielded to questions.

Rep. O'Hearn requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

**YEAS 238 NAYS 108**

**YEAS 238**

**BELKNAP**

Boriso, Thomas  
Russell, David  
Wood, Jane

Czech, Stanley  
Salatiello, Thomas

Holbrook, Robert  
Turner, Robert

Millham, Alida  
Wendelboe, Francine

**CARROLL**

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy  
Smith, Edwin

Batchelder, Robert  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Rose, William  
Zerba, Roger

Blaisdell, Michael  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Royce, H Charles

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Roberts, William  
Russell, Ronald

**COOS**

Davis, Perley  
Rodrigue, Robert

Gallus, John  
Tholl, John Jr

Landers, Dana

Mears, Edgar

**GRAFTON**

Copenhaver, Marion  
Ham, Bonnie  
Nordgren, Sharon

Densmore, Jessica  
Johnson, Gary  
Scanlan, David

Eaton, Stephanie  
LaMott, Paul  
Ward, Brien

Gilman, G Michael  
Marshall, Gene

**HILLSBOROUGH**

Andrews, Frederick  
Bruno, Pierre  
Chabot, Robert  
Curran, James  
Dokmo, Cynthia  
Fields, Dennis  
Gagnon, Eugene  
Hall, Betty  
Jean, Claudette  
LaRose, Richard  
Lozeau, Donnalee  
McColgan, Philip Jr  
Melcher, Harold  
Murphy, Robert  
Pepino, Leo  
Vaillancourt, Steve

Baroody, Benjamin  
Buckley, Raymond  
Cote, David  
Daigle, Robert  
Drabinowicz, A Theresa  
Flora, Kathleen  
Garrish, Linda  
Herman, Keith  
Kony, Christine  
Lasky, Bette  
MacGillivray, Jeffrey  
McDonald, James Sr  
Mercer, Robert  
Nolan-Piteri, Dawn  
Reidy, Frank  
White, John

Bergeron, Lucien  
Burkush, James  
Cote, Peter  
Daniels, Gary  
Durham, Susan  
Ford, Nancy  
Ginsburg, Ruth  
Herman, Richard  
L'Heureux, Robert  
Leishman, Peter  
McCarthy, William  
McDonough-Wallace, Alice  
Moran, Edward  
O'Hearn, Jane  
Sarette, John  
Withe, Dennis

Brundige, Robert  
Carlson, Donald  
Coughlin, Pamela  
Dawe, Eileen  
Dyer, Merton  
Foster, Linda  
Haettenschwiller, Alphonse  
Holley, Sylvia  
LaPorte, George  
Lessard, Rudy  
McCarty, Winston  
McGough, Tim  
Moriarty, Mary  
Ouellette, Dean  
Sargent, Maxwell

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
French, Barbara  
Kennedy, Richard  
Maxfield, Roy  
Potter, Frances  
Virtue, Carolyn  
Yeaton, Charles

Asplund, Bronwyn  
Davis, Francis  
Gile, Mary  
Langer, Ray  
Moore, Carol  
Reardon, Tara  
Wallin, Jean

Bouchard, Candace  
Feuerstein, Martin  
Hess, David  
Larrabee, David Sr  
Nichols, Avis  
Rodd, Beth  
Wallner, Mary Jane

Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Leber, William  
Owen, Derek  
St Cyr, Gerard  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew Jr  
Cox, Russell  
Flanders, John Sr  
Hamel, Albert  
Kane, Cecelia  
Langley, Jane  
Noyes, Richard  
Rabideau, Marie  
Schanda, Frank  
Stone, Joseph  
Weatherspoon, Jackie

Beaulieu, Jon  
Clark, Martha  
Downing, Patricia  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, George  
Lovejoy, Marian  
O'Keefe, Patricia  
Reardon, Neil  
Shelton, Richard  
Stritch, C Donald  
Welch, David

Blanchard, MaryAnn  
Clark, Vivian  
Downing, Michael  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Moore, Benjamin  
Pantelakos, Laura  
Ruffner, Walter  
Shultis, Elizabeth  
Tufts, J Arthur  
Whittier, John

Case, Margaret  
Cooney, Richard  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Sabella, Norma  
Splaine, James  
Vaughn, Charles  
Zolla, William

**STRAFFORD**

Berube, Roger  
 Callaghan, Frank  
 Dunlap, Patricia  
 Heon, Richard  
 Knowles, William  
 Rogers, Rose Marie  
 Spang, Judith  
 Tsiros, William

Brennan, William  
 Cossette, Larry  
 Estabrook, Iris  
 Johnson, Nancy  
 Lent, Donald  
 Rollo, Michael  
 Spear, Barbara  
 Twardus, Joseph

Brown, George  
 DeChane, Marlene  
 Gilmore, Gary  
 Kaen, Naida  
 Lundborn, Raymond  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vachon, Dennis

Brown, Julie  
 Domingo, Baldwin  
 Grassie, Anne  
 Keans, Sandra  
 Pelletier, Arthur  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Wiggins, Celestine

Burling, Peter  
 Leone, Richard  
 Young, David

Cloutier, John  
 Robb-Theroux, Amy

Donovan, Thomas Jr  
 Tuthill, John

**NAYS 108****BELKNAP**

Bartlett, Gordon  
 Pilliod, James

Boyce, Robert  
 Rice, Thomas

Johnson, James

Lawton, David

**CARROLL**

Babson, David Jr

Dickinson, Howard

Torresen, Gary

**CHESHIRE**

Hunt, John

Riley, William

**COOS**

Horton, Lynn

Merrill, Gerald

Pratt, Leighton

Woodward, David

**GRAFTON**

Akins, Ralph  
 Cobb, John  
 Hinman, Harry

Alger, John  
 Dudley, Terri  
 Mirski, Paul

Almy, Susan  
 Hall, David  
 Phinney, William

Brothers, Richard  
 Harmon, Hobart  
 Weber, Phil

**HILLSBOROUGH**

Ahern, Richard  
 Beaupre, Roland  
 Craig, James  
 Fletcher, Richard  
 Hunter, Bruce  
 Lefebvre, Roland  
 McRae, Karen  
 O'Connell, Timothy  
 Turgeon, Roland

Alukonis, David  
 Calawa, Leon Jr  
 Dalianis, Griffin  
 Goley, Jeffrey  
 Jean, Loren  
 Leonard, Peter  
 Messier, Irene  
 Reeves, Sandra  
 Wall, Nancy

Arnold, Thomas Jr  
 Christiansen, Lars  
 Desmarais, Vivian  
 Gorman, Mary  
 Johnson, Lionel  
 Lynde, Harold  
 Milligan, Robert  
 Simon, Anthony  
 White, Donald

Arthur, Rose  
 Clegg, Robert Jr  
 Fenton, James  
 Goulet, Maurice  
 Kurk, Neal  
 Martel, Andre  
 Mosher, William  
 Thulander, O Alan

**MERRIMACK**

Brewster, Richard  
 Marple, Richard  
 Soltani, Tony

Chase, George  
 Marshall, Kenneth  
 Whittemore, James

Lavoie, Gerard  
 Poulin, Dave

Lockwood, Priscilla  
 Rosenfield, Jay

**ROCKINGHAM**

Arndt, Janet  
 Fesh, Robert  
 Kelley, William  
 Major, Norman  
 Nowe, Ronald

Belanger, Ronald  
 Grant, Kenneth  
 Kobel, Rudolph  
 McKinney, Betsy  
 O'Neil, Michael

Bridle, Russell  
 Griffin, Mary  
 Langone, John  
 Morse, Charles  
 Packard, Sherman

Corbin, C David  
 Hutchinson, Karen  
 Letourneau, Robert  
 Nowe, Mary Lou  
 Priestley, Anne

Putnam, Ed II  
 Sapareto, Frank  
 Weyler, Kenneth

Quandt, Marshall  
 Stickney, Nancy

Raynowska, Bernard  
 Varrell, Thomas

Rubin, George  
 Weare, Everett

### STRAFFORD

Bickford, David

McKinley, Robert

Musler, George

Woods, Phyllis

### SULLIVAN

Jones, Constance

Kibbey, David

Phinizy, James

and the amendment was adopted.

Rep. Bruno requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 233 NAYS 113

### YEAS 233

### BELKNAP

Boriso, Thomas  
 Russell, David

Holbrook, Robert  
 Salatiello, Thomas

Millham, Alida  
 Turner, Robert

Pilliod, James  
 Wood, Jane

### CARROLL

Bradley, Jeb  
 Lyman, L Randy

Chandler, Gene  
 Mock, Henry

Howard, Godfrey  
 Patten, Betsey

Kenney, Joseph  
 Torressen, Gary

### CHESHIRE

Avery, Stephen  
 DePecol, Benjamin  
 Lynott, Margaret  
 Mitchell, McKim  
 Roberts, William  
 Russell, Ronald

Batchelder, Robert  
 Doucette, Richard  
 Manning, Joseph  
 Pratt, Irene  
 Robertson, Timothy  
 Smith, Edwin

Blaisdell, Michael  
 Lerandeau, Alfred  
 McGuirk, Paul  
 Richardson, Barbara  
 Rose, William  
 Zerba, Roger

Burnham, Daniel  
 Lynch, Margaret  
 Meader, David  
 Riley, William  
 Royce, H Charles

### COOS

Davis, Perley  
 Mears, Edgar

Gallus, John  
 Rodrigue, Robert

Horton, Lynn  
 Tholl, John Jr

Landers, Dana

### GRAFTON

Almy, Susan  
 Ham, Bonnie  
 Nordgren, Sharon

Copenhaver, Marion  
 Johnson, Gary  
 Scanlan, David

Densmore, Jessica  
 LaMott, Paul  
 Ward, Brien

Eaton, Stephanie  
 Marshall, Gene

### HILLSBOROUGH

Ahern, Richard  
 Burkush, James  
 Cote, Peter  
 Daigle, Robert  
 Durham, Susan  
 Ford, Nancy  
 Ginsburg, Ruth  
 Herman, Richard  
 L'Heureux, Robert  
 Leishman, Peter  
 McCarthy, William  
 McDonough-Wallace, Alice  
 Messier, Irene  
 O'Hearn, Jane  
 Sargent, Maxwell

Baroody, Benjamin  
 Carlson, Donald  
 Coughlin, Pamela  
 Dawe, Eileen  
 Dyer, Merton  
 Foster, Linda  
 Goulet, Maurice  
 Holley, Sylvia  
 LaPorte, George  
 Lessard, Rudy  
 McCarty, Winston  
 McGough, Tim  
 Moriarty, Mary  
 Pepino, Leo  
 Turgeon, Roland

Brundige, Robert  
 Chabot, Robert  
 Craig, James  
 Dokmo, Cynthia  
 Fields, Dennis  
 Gagnon, Eugene  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 LaRose, Richard  
 Lozeau, Donnalee  
 McColgan, Philip Jr  
 Melcher, Harold  
 Murphy, Robert  
 Reidy, Frank  
 Vaillancourt, Steve

Buckley, Raymond  
 Cote, David  
 Curran, James  
 Drabinowicz, A Theresa  
 Flora, Kathleen  
 Garrish, Linda  
 Hall, Betty  
 Konys, Christine  
 Lasky, Bette  
 MacGillivray, Jeffrey  
 McDonald, James Sr  
 Mercer, Robert  
 Nolan-Piteri, Dawn  
 Sarette, John  
 White, John



**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fraser, Marilyn	French, Barbara
Gile, Mary	Hess, David	Jacobson, Alf	Kennedy, Richard
Larrabee, David Sr	Leber, William	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Nichols, Avis	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Case, Margaret
Christie, Andrew Jr	Clark, Martha	Cox, Russell	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Langley, Jane
Lovejoy, Marian	Norelli, Terie	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Rabideau, Marie	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Vaughn, Charles	Weatherspoon, Jackie	Welch, David	Zolla, William

**STRAFFORD**

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Lent, Donald	Lundborn, Raymond	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Torr, Franklin	Twardus, Joseph
Vachon, Dennis	Wall, Janet		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Leone, Richard	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

**NAYS 113****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Rice, Thomas	Wendelboe, Francine	

**CARROLL**

Babson, David Jr	Dickinson, Howard	Sullivan, P Judith
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**CHESHIRE**

Hunt, John

**COOS**

Merrill, Gerald	Pratt, Leighton	Woodward, David
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**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Harmon, Hobart
Hinman, Harry	Mirski, Paul	Phinney, William	Weber, Phil

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Beaupre, Roland	Bergeron, Lucien	Bruno, Pierre	Calawa, Leon Jr
Christiansen, Lars	Clegg, Robert Jr	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Fenton, James	Fletcher, Richard	Goley, Jeffrey
Gorman, Mary	Herman, Keith	Hunter, Bruce	Jean, Loren
Johnson, Lionel	Kurk, Neal	Lefebvre, Roland	Leonard, Peter
Lynde, Harold	Martel, Andre	McRae, Karen	Milligan, Robert
Moran, Edward	Mosher, William	O'Connell, Timothy	Ouellette, Dean
Reeves, Sandra	Simon, Anthony	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		

**MERRIMACK**

Brewster, Richard	Chase, George	Feuerstein, Martin	Langer, Ray
Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard	Poulin, Dave
Rosenfield, Jay	Soltani, Tony	Whittemore, James	

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Clark, Vivian
Cooney, Richard	Corbin, C David	Fesh, Robert	Grant, Kenneth
Hutchinson, Karen	Kelley, William	Kobel, Rudolph	Langone, John
Letourneau, Robert	Major, Norman	McKinney, Betsy	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman
Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard	Rubin, George
Sapareto, Frank	Varrell, Thomas	Weare, Everett	Weyler, Kenneth
Whittier, John			

**STRAFFORD**

Bickford, David	Keans, Sandra	McKinley, Robert	Musler, George
Tsiros, William	Woods, Phyllis		

**SULLIVAN**

Jones, Constance	Kibbey, David	Phinizy, James
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and the report was adopted.

Ordered to third reading.

**HB 2000-FN-L**, relative to a 10-year transportation plan. **OUGHT TO PASS WITH AMENDMENT** Rep. David J. Alukonis for Finance: This bill re-establishes a "blueprint" for state highway construction over the next ten years. First established in 1986, the legislature re-visits the plan biennially in order to make adjustments in priorities and funding as conditions and funding sources have changed. The current proposal reflects a very aggressive program of highway construction and rehabilitation projects as a result of increased federal highway funds earmarked for New Hampshire via the Federal Transportation Efficiency Act for the 21st Century (TEA 21). In most categories, federal funds increase about 50% with a total baseline federal distribution to New Hampshire of over \$140 million per year. The plan calls for a complete utilization of available federal funds. In general, for every eight dollars received from the federal government, two state dollars must be used as a match.

As a result of the increase in federal funds, the plan calls for: 1.) Funding \$270 million for highway projects left unfunded in the previous plan; and 2.) Funding of \$180 million for some 38 projects recommended by the Department and Regional Planning Commissions.

Of special note in the proposal is the significant measure of federal funding which will be used on the state's turnpike system. While non-turnpike funds have historically been used on the turnpikes, the current plan substantially increases such funding to a level of \$150 million over the next ten years. The increased federal funds available, combined with an additional \$100 million turnpike bond which will be paid by turnpike toll revenue, will virtually complete all anticipated turnpike projects which have been planned for many years.

The committee believes that there is a sustainable level of state funding available to support the entire program (turnpike and non-turnpike) without additional fees or increases in gasoline taxes, turnpike tolls, or decreases in turnpike toll discounts throughout the life of the current federal apportionment. However, for the years subsequent to the end of the current federal authorization (after 2004), the committee is less confident that a sustainable level of funding will be available. It is for this reason that the funding and priorities of the ten-year plan will be reviewed by the legislature once again in two years and every two years thereafter. The plan provides flexibility for the state to consider the possible removal of all or some of the tollbooths over the next ten to twenty years. The future of the tolls and the turnpike system is the subject of a study currently being conducted by a private consultant. That study, which will be received this summer, will illustrate the financial impacts of removing or reducing various tolls throughout the state.

HB 2000 does not change the current toll structure, nor does it call for the removal or addition of any present or future tollbooths. All such future actions will require additional legislative review and determination.

The increased federal funds available are not grants, but rather, are matches for various categories of highway construction projects. As such, they cannot be used to offset other current state expenditures (i.e. acceptance of the federal funds cannot be used to reduce the gasoline tax). The \$150 million of federal funds which will be used for turnpike projects is part of a \$345 + million federal obligation which can only be used on the highways that are part of the 800 miles of the National Highway System. These highways include all interstate highways, the turnpike system, proposed Manchester Airport access road, and other major state highways such as routes 2, 9, 101, 106, and 302. These National Highway System funds cannot be used on other state or local highways. This shift of federal funds to the turnpike system will not imperil the remainder of state and local highway responsibilities.

The committee amendment has four parts. Two changes made by the amendment correct for minor technical issues as noted by the committee and the department. The third aspect of the amendment adds a footnote to a certain budget line item in the Department of Transportation's budget for FY 2000. The footnote permits for an existing appropriation of \$425,000 not to lapse until the end of the biennium. This change was made at the request of the department. The last portion of the committee amendment creates a legislative study committee to study the priority and funding of the turnpike projects as well as the policy of using federal funds for turnpike projects. Vote 22-0.

### Amendment (4176h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

Amend RSA 240:1 as inserted by section 1 of the bill by replacing it with the following:

240:1 Legislative Intent. This plan is predicated on the report submitted to the legislature by the governor dated January, 2000 and is intended to serve as the guideline for transportation projects in the state for the next decade.

Amend RSA 240:3, II as inserted by section 1 of the bill by inserting after subparagraph II(d) the following:

(e) NH 16/ US 4/ Spldg Tpk	Newington - Dover 11238	Widen turnpike including Little Bay bridges from Gosling Road to Dover toll
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Amend RSA 240:10, II(c) as inserted by section 1 of the bill by deleting it.

Amend the bill by replacing section 2 with the following:

2 Budget Footnote Added. Amend 1999, 159:1, 04, 01, 01, 01 as follows:

Strike out:	<u>FY 2000</u>	<u>FY 2000</u>
92 Maintenance - critical repairs	425,000	425,000

Insert in place thereof:

92 Maintenance - critical repairs F	425,000	425,000
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3 Committee Established. There is established a committee to study the priority and funding of projects included in the 10-year transportation plan, established under RSA 240.

4 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, including a member of the house public works and highway committee and a member of the house finance committee, appointed by the speaker of the house.

(b) Four members of the senate, appointed by the president of the senate.

II. The committee shall solicit information from the commissioner of the department of transportation and from any other relevant source.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Duties. The committee shall study the priority and funding of projects included in the 10-year transportation plan, established under RSA 240. The committee's study shall also include the policy of using federal funds for turnpike projects.

6 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Five members of the committee shall constitute a quorum.

7 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

8 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill updates the 10-year transportation plan to maintain the highways and bridges in the state.

This bill also adds a budget footnote to 1999, 159:1.

This bill also establishes a committee to study the priority and funding of the projects included in the 10-year transportation plan.

Rep. McCarty asked if the question was divisible. The Speaker ruled that the question was not divisible.

Rep. McCarty spoke against and yielded to questions.

Rep. Alukonis spoke in favor and yielded to questions.

Rep. McCarty requested a roll call; sufficiently seconded.

The question being the adoption of the amendment.

#### YEAS 247 NAYS 97

##### YEAS 247

##### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Salatiello, Thomas

Boriso, Thomas  
Lawton, David  
Turner, Robert

Boyce, Robert  
Pilliod, James  
Wendelboe, Francine

Czech, Stanley  
Russell, David  
Wood, Jane

##### CARROLL

Babson, David Jr  
Kenney, Joseph

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Sullivan, P Judith

##### CHESHIRE

Avery, Stephen  
DePecol, Benjamin  
Lynch, Margaret  
Meador, David  
Riley, William  
Russell, Ronald

Batchelder, Robert  
Doucette, Richard  
Lynott, Margaret  
Mitchell, McKim  
Roberts, William  
Smith, Edwin

Blaisdell, Michael  
Hunt, John  
Manning, Joseph  
Pratt, Irene  
Rose, William  
Zerba, Roger

Burnham, Daniel  
Lerandean, Alfred  
McGuirk, Paul  
Richardson, Barbara  
Royce, H Charles

##### COOS

Davis, Perley  
Mears, Edgar  
Tholl, John Jr

Gallus, John  
Merrill, Gerald  
Woodward, David

Horton, Lynn  
Pratt, Leighton

Landers, Dana  
Rodrigue, Robert



**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Densmore, Jessica
Dudley, Terri	Gilman, G Michael	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	LaMott, Paul	Marshall, Gene	Nordgren, Sharon
Scanlan, David	Ward, Brian		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Bruno, Pierre	Burkush, James	Carlson, Donald	Chabot, Robert
Cote, David	Coughlin, Pamela	Curran, James	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dyer, Merton	Fenton, James	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren
Johnson, Lionel	Konys, Christine	Kurk, Neal	LaRose, Richard
Lasky, Bette	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	McColgan, Philip Jr	McGough, Tim	Melcher, Harold
Mercer, Robert	Moran, Edward	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Reidy, Frank	Sarette, John	Sargent, Maxwell
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Crosby, Toni
Davis, Francis	Feuerstein, Martin	Hager, Elizabeth	Hess, David
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Moore, Carol	Nichols, Avis	Potter, Frances	Reardon, Tara
Rosenfield, Jay	Wallner, Mary Jane	Whalley, Michael	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bridle, Russell	Case, Margaret	Christie, Andrew Jr	Clark, Martha
Clark, Vivian	Cooney, Richard	Cox, Russell	Dowling, Patricia
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Moore, Benjamin	Morse, Charles	Norelli, Terie	Noyes, Richard
O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Priestley, Anne	Rabideau, Marie	Raynowska, Bernard	Reardon, Neil
Ruffner, Walter	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Splaine, James	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Weare, Everett	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
Cossette, Larry	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Heon, Richard	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Lent, Donald	Lundborn, Raymond
McKinley, Robert	Musler, George	Pelletier, Arthur	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spear, Barbara	Torr, Franklin
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Allison, David  
Leone, Richard  
Young, David

Burling, Peter  
Phinizy, James

Cloutier, John  
Robb-Theroux, Amy

Kibbey, David  
Wiggins, Celestine

**NAYS 97****BELKNAP**

Johnson, James

Millham, Alida

Rice, Thomas

**CARROLL**

Dickinson, Howard

Patten, Betsey

Torressen, Gary

**CHESHIRE**

Robertson, Timothy

**COOS**

None

**GRAFTON**

Almy, Susan  
Hall, David

Cobb, John  
Johnson, Gary

Copenhaver, Marion  
Mirski, Paul

Eaton, Stephanie  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Brundige, Robert  
Cote, Peter  
Dwyer, Paul Sr  
Hall, Betty  
Lefebvre, Roland  
McCarthy, William  
McRae, Karen  
O'Connell, Timothy  
Vaillancourt, Steve

Baroody, Benjamin  
Buckley, Raymond  
Craig, James  
Fields, Dennis  
Herman, Richard  
Leonard, Peter  
McCarty, Winston  
Messier, Irene  
Ouellette, Dean  
White, John

Beaupre, Roland  
Calawa, Leon Jr  
Daigle, Robert  
Fletcher, Richard  
L'Heureux, Robert  
Lynde, Harold  
McDonald, James Sr  
Milligan, Robert  
Simon, Anthony

Bergeron, Lucien  
Clegg, Robert Jr  
Desmarais, Vivian  
Ginsburg, Ruth  
LaPorte, George  
Martel, Andre  
McDonough-Wallace, Alice  
Moriarty, Mary  
Turgeon, Roland

**MERRIMACK**

Brewster, Richard  
French, Barbara  
Poulin, Dave  
Virtue, Carolyn

Chase, George  
Gile, Mary  
Rodd, Beth  
Wallin, Jean

Daneault, Gabriel  
Langer, Ray  
Soltani, Tony  
Whittemore, James

Fraser, Marilyn  
Owen, Derek  
St Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn  
Kelley, Jane  
Nowe, Mary Lou  
Quandt, Marshall  
Stickney, Nancy

Corbin, C David  
Kelley, William  
Nowe, Ronald  
Rubin, George  
Weatherspoon, Jackie

Hutchinson, Karen  
Langley, Jane  
Pitts, Jacqueline  
Sabella, Norma

Johnson, Robert  
Langone, John  
Putnam, Ed II  
Shultis, Elizabeth

**STRAFFORD**

Brown, George  
Rogers, Rose Marie

Brown, Julie  
Spang, Judith

DeChane, Marlene

Domingo, Baldwin

**SULLIVAN**

Donovan, Thomas Jr

Flint, Gordon Sr

Jones, Constance

Tuthill, John

and the amendment was adopted.

Report adopted and ordered to third reading.

### SUSPENSION OF RULES

Rep. Chandler moved that the Rules be so far suspended as to permit referral to a second committee after the deadline on **SB 401**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

Adopted by the necessary two-thirds.

**SB 401-FN-A-L**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. H. Charles Royce for the Majority of Resources, Recreation and Development: Senate Bill 401, as amended, establishes the Land and Community Heritage Investment Program (LCHIP) to conserve and preserve New Hampshire's most important natural, cultural and historical resources. LCHIP would provide matching grants to municipalities and nonprofit organizations for the conservation, preservation and restoration of these critical resources. There will be an authority composed of 18 members of whom 12 are voting (quorum of 7) and includes the designees of 6 state agencies who are nonvoting members. This board shall establish criteria for acquisition of lands and other natural, cultural and historical resources. The committee amended the bill to provide a 50 percent match. By doing this the amendment eliminates the preferential treatment given in the original bill to those property wealthy communities better able to increase their percentage of the match. The committee also amended the bill to eliminate the participation of state agencies because it believes it to be unfair for the state agencies, which can come to the legislature with capital requests anyway, to compete with municipal and nonprofit applicants for these limited resources. Also, state agencies continue to have the ability to seek federal matching grants. LCHIP respects private property rights: all projects are willing seller and willing buyer only. Senate Bill 401 as amended confers no new regulatory authority to the state and prohibits LCHIP from using the state's power of eminent domain to enter any resource into the program. The majority of the Resources, Recreation and Development Committee believes that the LCHIP will go down in history as a milestone — a moment when we acted together on behalf of this wonderful place we call New Hampshire. Periodically, the people of this state have banded together with their officials to do something truly visionary with the state's natural resources. In 1901, we joined hands to create the White Mountain National Forest. In the 1930's, we worked together to establish the State Parks System. In the 1960's, it was Current Use Assessment. And in the 1980's, it was the Trust for New Hampshire Lands and the LCIP, which conserved 100,000 acres. Once again in 2000, the enactment of the Land and Community Heritage Investment Program will be one of those major milestones. Vote 18-1.

Rep. Amy E. Robb-Theroux for the Minority of Resources, Recreation and Development: SB 401 is arguably the most important conservation legislation that this House has considered in the last decade. There is tremendous bi-partisan, broadbased support for this legislation: 250 attended the hearing on the bill, over 5,000 pledge cards supporting SB 401 were presented at the hearing, and 104 communities from Coos to the sea passed town meeting or city council resolutions supporting this initiative. It is the product of over two years of hard work by a legislatively created commission and coalition supported by 116 organizations. The bill as amended and supported by the majority of the committee represents a hard fought and fragile compromise. The minority believes it is important for the House to know what was left out of the bill as the result of this compromise. First, the bill eliminated any opportunity for state agencies, most notably DRED and Fish and Game, to submit applications and compete for land conservation funding. While the focus of the program is appropriately on community based projects, the minority feels strongly that there will be potential state park or wildlife refuge projects that are best initiated by our state land managing agencies. In addition, New Hampshire, which annually sends much more in tax dollars to Washington, D.C. than it receives, may lose the opportunity to compete for millions in federal matching funds by not allowing state agencies to participate in this program. Second, the bill changes the municipal match percentage from 40:60 to 50:50. This change will make it more difficult for the communities with less property wealth to compete for matching funds. Because the program is strictly voluntary, the minority favors restoring the 40:60 match percentage recommended by the NH Land and Community Heritage Commission. The concessions made by the majority of the committee to get this legislation to the full House compromises the integrity of the bill and the work of the NH Land and Community Heritage Commission.

**Amendment (4259h)**

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Land and Community Heritage Investment Program. Amend RSA by inserting after chapter 227-L the following new chapter:

**CHAPTER 227-M****LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM**

227-M:1 Purpose. The general court finds that in order to maintain New Hampshire's quality of life and economic vitality for its citizens, growth and development should be balanced with careful protection of the state's most important natural, cultural, and historical resources. Permanent protection of these resources, through acquisition of lands, buildings, and other physical assets, or interests in these assets, must be accomplished along with their planned long-term stewardship. The general court further recognizes the importance of public-private partnerships to achieve these ends. To protect and preserve New Hampshire's natural, cultural, and historical resources for this and future generations, the general court establishes in this chapter the New Hampshire land and community heritage investment program. The intent of the program is to conserve and preserve this state's most important natural, cultural, and historical resources through the acquisition of lands, and cultural and historical resources, or interests therein, of local, regional, and statewide significance, in partnership with the state's municipalities and the private sector, for the primary purposes of protecting and ensuring the perpetual contribution of these resources to the state's economy, environment, and overall quality of life.

227-M:2 Definitions. In this chapter:

I. "Authority" means the New Hampshire land and community heritage investment authority.

II. "Board" means the board of directors of the New Hampshire land and community heritage investment authority.

III. "Building" means a construction made by humans and created to shelter human activity.

IV. "Easement interests" means conservation, historic preservation, or scenic easements, development rights, or any other similar protective interest in real property held in perpetuity.

V. "Eligible resource" means a natural, cultural, or historical resource including archaeological sites; historic buildings and structures which house cultural events and programs; historic properties including buildings and structures; historic and cultural lands and features; ecologically significant lands; existing and potential public water supply lands; farmland; forestland; habitat for rare species or important wildlife; lands for recreation; riverine, lake, estuarine, and ocean shorelands; scenic areas and viewsheds; and wetlands and associated uplands.

VI. "Monitoring" means the regular and systematic gathering of information about a resource asset to identify changes to the property over time to ensure that it is being used in accordance with any easement interest restrictions or other legal obligations entered into under this chapter.

VII. "Resource asset" means the lands, buildings, structures, and other physical assets or the easement interests in the lands, buildings, structures, and other physical assets that comprise the real property of an eligible resource.

VIII. "Stewardship" means planning for and taking the necessary actions over the long term to successfully preserve and protect the natural, cultural, or historical value of a resource asset. Such actions include, as applicable, managing the resource asset in accordance with all legal obligations entered into under this chapter, performing regular maintenance and upkeep, providing for necessary monitoring, educating or informing those that might negatively impact upon the resource asset about the need and/or legal obligation to protect and preserve it, paying tax or in-lieu-of tax obligations, obtaining liability insurance, and securing sufficient levels of financial resources to carry out all such necessary actions.

227-M:3 Land and Community Heritage Investment Program Established. There is hereby established the New Hampshire land and community heritage investment program. The program shall acquire resource assets, through voluntary negotiations with property owners and utilization of all available federal, state, local, private, and other matching funds and incentives. The program shall also provide funding for restoration and rehabilitation of cultural and historical resources and for certain costs associated with the acquisition of resource assets. All deeds or other documents evidencing purchase of any fee interest or other easement interest in resources under this chapter shall be drawn and held in the name of the municipality, other political subdivision, or qualified publicly-supported nonprofit corporation purchasing the interest through the use of program funds. All



easement interests and legal obligations that are attached in perpetuity to any property shall be recorded in the deed. The state of New Hampshire shall hold an executory interest in all easement interests acquired by the program and held by municipalities, other political subdivisions, or qualifying nonprofit corporations. There shall be no power by the state of New Hampshire to take any resource by eminent domain, nor shall any funds made available by this program be used to take by eminent domain except in cases involving the voluntary quieting of title. All acquisition projects shall involve a willing seller and willing buyer, or a willing donor of resource assets.

227-M:4 New Hampshire Land and Community Heritage Authority Established; Board of Directors.

I. There is hereby established the New Hampshire land and community heritage investment authority, a body corporate and politic. The authority is constituted a public instrumentality of the state. The exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions. The authority shall be a nonprofit corporation organized under RSA 292.

II. The authority shall be governed by a board of directors composed of 18 members. Voting members shall not appoint designees to act in their places. The chairperson shall be elected from among the public members. Board membership shall be as follows:

- (a) Two members of the senate, to be appointed by the senate president.
- (b) Two members of the house of representatives, to be appointed by the speaker of the house.
- (c) Eight public members, to be appointed by the governor and council:
  - (1) Two of whom shall represent cultural and historic resource interests;
  - (2) One of whom shall represent natural resources interests;
  - (3) One of whom shall represent outdoor recreation interests;
  - (4) One of whom shall represent business or real estate interests;
  - (5) One of whom shall represent municipal interests;
  - (6) One of whom shall represent local planning interests; and
  - (7) One of whom shall represent regional planning commissions.
- (d) The director of the office of state planning, or designee.
- (e) The commissioner of the department of cultural resources, or designee.
- (f) The commissioner of the department of resources and economic development, or designee.
- (g) The commissioner of the department of environmental services, or designee.
- (h) The commissioner of the department of agriculture, markets, and food, or designee.
- (i) The executive director of the department of fish and game, or designee.

III. Members appointed under subparagraphs II(d) through II(i) shall be advisory, non-voting members.

IV.(a) The terms of the state agency members and the members of the senate and the house of representatives shall be coterminous with their respective terms in office. Members appointed by the governor and council under subparagraph II(c) shall serve a 4-year term, and may serve no more than 10 successive years.

(b) Members appointed by the governor and council may be removed from office for cause, by the governor and council. Cause for removal shall include, but not be limited to, incapacity or failure to perform the duties of a member of the board of directors. Vacancies shall be filled for the unexpired term of the office in the same manner as the original appointment. Legislative members shall be entitled to mileage reimbursement at the legislative rate.

V. Seven voting members shall constitute a quorum. Decisions shall be made by a majority of those present and voting. Each member appointed under subparagraphs II(a) through (c) shall have one vote on matters coming before the board. The board shall meet quarterly and at such other times as may be deemed necessary by the chairperson.

VI. Board members shall not be subject to civil liability for acts performed in accordance with their duties under this chapter.

227-M:5 Powers and Duties of the Authority. The authority shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter and shall:

I. Adopt bylaws for the regulation of its affairs and the conduct of its business.

II. Adopt criteria and guidelines for:

- (a) The acquisition of resource assets;
- (b) The restoration or rehabilitation of cultural and historical buildings or structures; and

(c) The stewardship and monitoring of resource assets on which program funds are expended.

III. Adopt definitions deemed important or necessary to carry out the purposes of this chapter.

IV. Oversee and direct the expenditure of funds deposited in the trust fund of the New Hampshire land and community heritage investment program in accordance with the purposes of this chapter. This includes, but is not limited to, the authority to draw upon funds for acquisition of resource assets, or related program purposes, and for the administrative costs of the program.

V. Make and execute contracts for services necessary to carry out the purposes of this chapter or necessary and convenient for the exercise of its powers and functions.

VI. Temporarily acquire real property or interests in real property, only when such acquisition is necessary or appropriate to protect or secure any investment in which the authority has an interest.

VII. Prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house, and the governor and council, and filed with the state library. The report shall detail the activities of the program during the past year including a listing of all resource assets acquired and restoration and rehabilitation projects undertaken, along with the associated expenditures. All administrative costs shall be provided, as well as a complete financial accounting of the trust fund established under RSA 227-M:7. The report shall also include a historical summary of the program's activities to date. A copy of the report shall be made available to any interested person. The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year.

VIII. In addition, the authority may:

(a) Adopt an official seal.

(b) Maintain an office and hire staff.

(c) Apply for and accept from any source gifts and donations of: money, including money from appropriate fundraising activities; labor, equipment, and supplies; land and other real property; interests in land and other real property; federal, local, private, and other matching funds and incentives; and other assets to be deposited in the fund for the purposes of this chapter and to aid the authority in the conduct of its affairs.

227-M:6 Executive Director. The board of directors shall nominate one or more persons for appointment by the governor and council to serve as executive director. The executive director shall serve a term of 5 years, with reappointment or a vacancy to be filled in the same manner as the original appointment. At the request of the board, the governor and council may remove the executive director for cause. The executive director shall:

I. Coordinate the activities of state agencies directly involved with the administration of the program in accordance with this chapter.

II. Evaluate the eligible resources proposed for protection or restoration under this program, and determine if these resources meet the criteria of the program, subsequent to instruction by the board.

III. At the direction of the board, administer the affairs of the program and be directly responsible for executing all policies of the board.

227-M:7 Trust Fund Established; Administration.

I. There is established in the office of the state treasurer the trust fund for the New Hampshire land and community heritage investment program. Moneys in the fund shall be used for the purpose of this chapter and shall not be used for any other purpose. The trust fund shall be non-lapsing.

II. The state treasurer is instructed to invest the sums deposited in the fund in a prudent manner consistent with the purposes of this chapter. Interest earned on moneys in the fund shall accrue to the fund to the extent allowed under federal law.

III. No funds of any state agency shall be transferred to the trust fund without specific authorization from the general court. Federal funds accepted by the governor and council for purposes similar to those of this chapter may be deposited in the trust fund without general court authorization.

227-M:8 Program Administration; Eligible Applicants; Matching Funds.

I. The authority shall distribute funds to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

(a) Municipalities or other political subdivisions of the state; and

(b) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.

II. Other parties wishing to participate in the program may partner with one or more eligible applicants. The applicant must demonstrate the commitment of the owner of the assets to participate in the proposed action.

III. Financial assistance to eligible applicants shall be provided through grants and block grants (grants to another organization for re-granting). Financial assistance may only be expended on eligible resources for the following purposes:

- (a) Acquisition of real property in fee simple.
- (b) Acquisition of easement interests in real property.
- (c) Restoration or rehabilitation of buildings or structures which are publicly-owned, or which are owned by a qualified publicly-supported nonprofit corporation.
- (d) Surveys, appraisals, title work, and other legal or ancillary work necessary to carry out acquisitions .
- (e) Resource inventories and planning.
- (f) Other professional services.

IV. The authority shall not fund more than 50 percent of the appraised market value of any resource asset acquisition or more than 50 percent of any other expense eligible for financial assistance under RSA 224-M:8, III(c)-(f).

V. All eligible applicants are required to provide a level of matching resources that is no less than 50 percent of the appraised market value for any resource asset acquisition and that is no less than 50 percent of any other expense for which financial assistance is sought under RSA 224-M:8, III(c)-(f). A minimum of one half of the applicant's minimum match requirement must be provided in cash to be used in the purchase of the resource asset. Nothing shall prevent the eligible applicant from using all cash to fulfill the match requirements of the program. The balance, if any, of the match requirement may be met through any combination of:

- (a) In-kind services;
- (b) The appraised market value of donated real property or interest in real property, provided such real property is located in the municipality or municipalities in which the applicant property is located;
- (c) Expenses specified under RSA 224-M:8, III(d)-(f), incurred or to be incurred; or
- (d) A one-time investment in a stewardship endowment fund established by the applicant for the resource asset.

VI. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and monies from a conservation fund established under RSA 36-A:5.

VII. Matching beyond the minimum shall be encouraged of all applicants. The board is authorized, for a particular project, to either reduce the applicant's minimum match requirements under paragraph V or exceed the amount of financial assistance allowed under paragraph IV, but only by an affirmative vote of 2/3 of all voting members.

227-M:9 Acquisition, Restoration, and Protection Criteria and Guidelines.

I. The criteria and guidelines adopted pursuant to RSA 227-M:5, II for acquiring resource assets shall include, but shall not be limited to, the following:

- (a) Imminence of threat to the land or property, such that land conservation projects in densely developed or rapidly developing areas of the state shall receive a higher ranking;
- (b) Uniqueness or significance of the resource;
- (c) Proximity to other protected resources;
- (d) Extent to which project meets multiple objectives of the program (natural, historic, and cultural);
- (e) Strength of local support, such that project applications accompanied by an affirmative vote of the governing body of the municipality or governing bodies of the municipalities in which the project is located shall receive a higher ranking;
- (f) Strength of private support;
- (g) Cooperation between or among communities;
- (h) Extent of leverage (ability of state funds to attract other public and private funds in a cost-share arrangement);
- (i) Demonstrated ability and qualifying stewardship plan of eligible applicant to provide stewardship for the resource being protected; and
- (j) Extent to which benefits can be conserved only through fee acquisition of the resource asset, weighed against acquisition through easement interest.

II. Nothing in this section shall be construed to require that each acquisition of a resource asset under this chapter must meet all the criteria listed in this section.



227-M:10 Management. Any owner of a resource asset acquired in fee simple under this chapter or for which program funds have been expended for restoration or rehabilitation work, shall manage such asset in accordance with any stewardship plan approved for the asset and any legal obligations entered into under this chapter pertaining to the resource asset. The authority shall assign such management responsibilities to a state agency when the state is the owner. The program shall not manage any resource asset, except to the extent permissible under RSA 227-M:5, VI.

227-M:11 Stewardship. All applications submitted for funding resource asset acquisitions or restoration or rehabilitation projects must contain a stewardship plan. Applicants shall be allowed flexibility in devising such plans, but the authority shall make an affirmative finding that the stewardship plan is acceptable before awarding funds. Applications to the program for activities such as resource inventories and engineering studies are not required to include stewardship plans.

227-M:12 Monitoring Endowment.

I. For every eligible resource protected under this chapter by an easement interest, a percentage of funds from the program or contributions from the applicant, as specified by the authority, shall be provided to the monitoring endowment established under RSA 162-C:8.

II. Funds added to the monitoring endowment pursuant to RSA 227-M:12, I shall be used to support monitoring by state agencies, local municipalities, and qualifying nonprofit corporations of easement interests acquired under this chapter. Such monitoring shall be to ensure that the resource protected through the program will be managed according to the legal agreements concerning easement interests in the resource.

227-M:13 Road Expansion.

I. Notwithstanding any other provisions of this chapter, the New Hampshire land and community heritage authority shall recognize that the interest and public safety and welfare may, from time to time, require minor expansion, minor modification, or minor alteration of existing roads within the state highway system. After review and approval by the authority, and notwithstanding RSA 227-M:14, the department of transportation may obtain interests in lands acquired by the authority under this chapter adjacent to state highways. Permissible expansion, modifications, or alterations under this section shall include drainage easements, slope easements, lane widening, the addition of a passing, climbing, or turning lane, or similar adjustments, but shall not include construction of a new highway or portion thereof, construction of a bypass for an existing highway, or similar major alterations. Approval shall not be granted if reasonable and prudent alternatives exist nor if individual or cumulative approvals are likely to materially impair the conservation or preservation purposes for which the parcel was originally protected. Projects determined by the authority to be outside of the scope permitted by this chapter shall require approval from the general court.

II. The review and approval process required by paragraph I shall give full consideration to the management provisions of this chapter. The department of transportation shall submit a written request to the board with plans and supporting documentation to demonstrate compliance with the provisions of this chapter. A quorum of the board, consisting of at least 7 members, shall hold a public hearing within 90 days of receipt of a complete request to release land and community heritage investment program interests. The board shall provide at least 10 calendar days notice in advance of such hearing. Notification shall be made, at the expense of the department, to the landowner, local governing body and conservation commission, abutters, the Society for the Protection of New Hampshire Forests, the Nature Conservancy, the Audubon Society of New Hampshire, the New Hampshire Wildlife Federation, and the county conservation district, or their successors. Notification of the public hearing shall be published, by the department, in a paper of general circulation in the municipality and shall be posted, by the department, in at least 2 public places. At the hearing or within 15 days after the hearing, a majority of the board's members attending the hearing shall vote to approve or deny the application, unless a time extension is requested by the department. Aggrieved parties, which include all parties who must be notified under this paragraph, may appeal the board's decision to the superior court in the same manner as planning board decisions are appealed under RSA 677:15.

III. Compensation for any interest in land obtained by the department of transportation under this section shall be at the appraised full fair market value of those property interests at the time of the department's acquisition. Alternative forms of compensation such as replacement land with comparable conservation value, or a combination of monetary compensation and replacement land may be considered in appropriate circumstances, provided all parties owning an interest in the property agree to such terms.



IV. Compensation due to the state under this section shall be deposited in the trust fund of the New Hampshire land and community heritage investment program and used for the purposes of this chapter. Compensation due to municipalities and nonprofit organizations shall be dedicated to the acquisition, managing, or monitoring of protected lands consistent with the purposes of this chapter. Compensation due landowners shall be as specified in the deed or as otherwise negotiated. Any party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

227-M:14 Public Trust. Resource assets acquired under this chapter through the use of the trust fund for the program shall be held in public trust and used and applied for the purposes of this chapter. Notwithstanding any other provision of law relating to the disposal of publicly-owned real estate, no deviation in the uses of any resource asset so acquired to uses or purposes not consistent with the purposes of this chapter shall be permitted. The sale, transfer, conveyance, or release of any resource asset from public trust is prohibited, except as provided in RSA 227-M:13.

227-M:15 Public Access; Liability. Lands and interests in lands purchased with funds from this program by any eligible applicant shall be open in perpetuity for passive recreational purposes. Language to be used in easement interests secured through the program shall approximate the intent of the following:

I. There is hereby conveyed pedestrian access to, on, and across the property for hunting, fishing, and transitory passive recreational purposes, but not camping, by members of the public. A grantor may reserve the right to post against vehicles, motorized or otherwise and against hunting on active livestock fields, against access to agricultural cropland during planting and growing season, and against access to forest land during harvesting or establishment of plantations.

II. The authority shall have the discretion to limit or prohibit passive recreational use on a case-by-case basis, where this activity would be inconsistent with the purpose for protecting the property and/or when public safety would be at risk. Additionally, the authority may stipulate, as a condition of funding, on a case-by-case basis where appropriate, that certain lands or interests in lands be available for motorized recreational uses.

III. No person, or successor in title, who has granted or sold rights of public access by virtue of an easement, right-of-way, development right, or other means in accordance with the purposes of this chapter shall be liable to a user of that right of access for injuries suffered on that portion of the access unless those injuries are caused by the willful or wanton misconduct of the grantor or successor in title.

2 Land Conservation Investment Program; Management. Amend RSA 162-C:6, VII to read as follows:

VII. Compensation due to the state under this section shall be ~~[maintained in a separate, non-lapsing land acquisition fund to be managed by the state treasurer. The council, as successors to the land conservation investment program board of directors, shall develop rules pursuant to RSA 541-A, whereby agencies and/or municipalities, shall have access to these funds from time to time as resources permit. Such funds must be used for the acquisition of land, or interests in land, consistent with the purposes of this chapter]~~ *deposited in the trust fund of the New Hampshire land and community heritage investment program established under RSA 227-M and used for the purposes of that program.* Compensation due to municipalities shall be dedicated to the acquisition or monitoring of protected lands consistent with the purposes of this chapter. Compensation due to landowners of conservation easement lands shall be as specified in the conservation easement, deed, or as otherwise negotiated. Any party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

3 Land Conservation Investment Program; Office of State Planning; Powers and Duties. Amend RSA 162-C:7 to read as follows:

162-C:7 Powers and Duties. The council shall oversee, direct, and expend funds in the monitoring endowment of the former New Hampshire land conservation investment program in accordance with the purposes of this subdivision *and RSA 227-M:12*. This includes, but is not limited to, the authority to draw upon funds for the administrative costs of the endowment.

4 Land Conservation Investment Program; Monitoring Endowment. Amend RSA 162-C:8, I-III to read as follows:

I. The monitoring endowment established by the board of directors pursuant to former RSA 221-A:5, III shall be maintained in perpetuity and shall be utilized by the council only for the purposes of monitoring and enforcing the property rights of persons with ownership interests in property acquired through the former land conservation investment program *and for the purposes of RSA 227-M:12*.

II. The principal of the endowment shall be managed by the state treasurer for the sole purpose of providing interest earnings for the purposes set forth in this subdivision *and RSA 227-M:12*, and expenditures from the endowment for those purposes shall be limited to the interest earned thereon.

III. Any interest earned on the endowment principal which is not used for the purposes set forth in this subdivision *and RSA 227-M:12* within the fiscal year in which it is earned shall be added to the principal amount. The state treasurer is authorized to accept gifts, donations, and grants, including federal gifts, donations, and grants, for the purposes set forth in this chapter, and such gifts, donations and grants shall be added to the principal amount.

5 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plates; Fee. Amend RSA 261:97-a, I to read as follows:

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:97-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only upon application and upon payment of a ~~[\$25]~~ **\$30** fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

6 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plates; Fee. Amend RSA 261:97-a, III to read as follows:

III. Plates shall be renewed on an annual basis for ~~[\$25]~~ **\$30** per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA 261:97-b. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

7 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plate Trust Fund; Distribution of Funds. Amend RSA 261:97-b, I to read as follows:

I. There is hereby established a conservation number plate trust fund under the administration of the state treasurer. The fund shall be used for the promotion, protection, and investment in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The state treasurer shall distribute the funds annually on July 1, *except as provided in paragraph I-a*, as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be distributed to the department of transportation for the expanded wild flower establishment program for use in planting native wild flowers; the remainder shall be distributed equally among the department of cultural resources, the department of fish and game, the department of resources and economic development, ~~and~~ the state conservation committee, *and the New Hampshire land and community heritage investment authority*.

*I-a. The state treasurer shall distribute the share of funds due the New Hampshire land and community heritage investment authority, pursuant to RSA 261:97-b, I, on the first day of each month.*

8 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plate Trust Fund; Use of Funds. Amend RSA 261:97-c, V-VI to read as follows:

*V. The funds transferred to the New Hampshire land and community heritage investment authority shall be used for the administration of the New Hampshire land and community heritage investment program.*

~~[V:]~~ VI. The funds transferred to the department of transportation shall be used for the expanded wildflower establishment program to be used in maintenance districts.

~~[V:]~~ VII. Any funds transferred from the conservation number plate trust fund which remain unexpended at the end of the fiscal year shall be non-lapsing.

9 Initial Appointees. The terms of the initial appointees by the governor and council to the New Hampshire land and community heritage investment authority under RSA 227-M:4, II(c) shall be staggered as follows:

I. The member representing regional planning commissions and the member representing business or real estate interests shall serve a one-year term.

II. The member representing municipal interests and the member representing local planning interests shall serve a 2-year term.

III. The member representing outdoor recreation interests and the member representing natural resources interests shall serve a 3-year term.

IV. The members representing cultural and historic resource interests shall each serve a 4-year term.

10 Appropriations; New Hampshire Land and Community Heritage Authority. The sums of \$3,000,000 and \$6,000,000 are hereby appropriated to the New Hampshire land and community heritage authority established in section 1 of this act for the purposes of this act for the fiscal years ending June 30, 2001 and June 30, 2002, respectively.

11 Bonds Authorized. To provide funds for the appropriations made in section 10 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,000,000 for fiscal year 2001 and \$6,000,000 for fiscal year 2002 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state. Issuance of bonds for fiscal year 2001 shall be no earlier than April 1, 2001.

12 Appropriation; Administrative Costs. The sum of \$50,000 is appropriated to the New Hampshire land and community heritage authority established in section 1 of this act, for the purpose of funding administrative costs of the authority for the biennium ending June 30, 2001. The source of funds for the \$50,000 shall be as follows:

I. \$40,000 from the forest management and protection fund, established in RSA 227-G:5.

II. \$5,000 from PAU 02, 03, 01, class 20, department of agriculture, markets, and food funds for the fiscal year 2000.

III. \$5,000 from PAU 02, 03, 05, 01, class 24, department of agriculture, markets, and food funds for fiscal year 2000.

13 Effective Date. This act shall take effect upon its passage.

Adopted.

Reps. Kennedy, Fuller Clark and Royce spoke in favor.

Rep. Fuller Clark requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

## YEAS 337 NAYS 6

### YEAS 337

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Russell, David	Salatiello, Thomas	Turner, Robert
Wendelboe, Francine	Wood, Jane		

#### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsy	Sullivan, P Judith	Torressen, Gary	

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

#### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr	Woodward, David		



**GRAFTON**

Akins, Ralph  
Cobb, John  
Eaton, Stephanie  
Harmon, Hobart  
Marshall, Gene  
Ward, Brien

Alger, John  
Copenhaver, Marion  
Gilman, G Michael  
Hinman, Harry  
Nordgren, Sharon

Almy, Susan  
Densmore, Jessica  
Hall, David  
Johnson, Gary  
Phinney, William

Brothers, Richard  
Dudley, Terri  
Ham, Bonnie  
LaMott, Paul  
Scanlan, David

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Brundige, Robert  
Calawa, Leon Jr  
Cote, David  
Curran, James  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Gagnon, Eugene  
Gorman, Mary  
Herman, Keith  
Jean, Claudette  
Kurk, Neal  
Lasky, Bette  
Lessard, Rudy  
Martel, Andre  
McDonald, James Sr  
Melcher, Harold  
Moran, Edward  
Nolan-Piteri, Dawn  
Pappas, Marc  
Sarette, John  
Turgeon, Roland  
Withee, Dennis

Alukonis, David  
Baroody, Benjamin  
Bruno, Pierre  
Carlson, Donald  
Cote, Peter  
Daigle, Robert  
Desmarais, Vivian  
Dwyer, Paul Sr  
Fletcher, Richard  
Garrish, Linda  
Goulet, Maurice  
Herman, Richard  
Jean, Loren  
L'Heureux, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
McCarthy, William  
McDonough-Wallace, Alice  
Mercer, Robert  
Moriarty, Mary  
O'Connell, Timothy  
Pepino, Leo  
Sargent, Maxwell  
Wall, Nancy

Andrews, Frederick  
Beaupre, Roland  
Buckley, Raymond  
Chabot, Robert  
Coughlin, Pamela  
Dalianis, Griffin  
Dokmo, Cynthia  
Dyer, Merton  
Flora, Kathleen  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Holley, Sylvia  
Johnson, Lionel  
LaPorte, George  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
McGough, Tim  
Messier, Irene  
Mosher, William  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony  
White, Donald

Arnold, Thomas Jr  
Bergeron, Lucien  
Burkush, James  
Clegg, Robert Jr  
Craig, James  
Daniels, Gary  
Drabinowicz, A Theresa  
Fenton, James  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Hunter, Bruce  
Konys, Christine  
LaRose, Richard  
Leonard, Peter  
MacGillivray, Jeffrey  
McColgan, Philip Jr  
McRae, Karen  
Milligan, Robert  
Murphy, Robert  
Ouellette, Dean  
Reidy, Frank  
Thulander, O Alan  
White, John

**MERRIMACK**

Anderson, Eric  
Chase, George  
Feuerstein, Martin  
Hager, Elizabeth  
Langer, Ray  
Lockwood, Priscilla  
Nichols, Avis  
Reardon, Tara  
Virtue, Carolyn  
Whittemore, James

Asplund, Bronwyn  
Crosby, Toni  
Fraser, Marilyn  
Hess, David  
Larrabee, David Sr  
Marple, Richard  
Owen, Derek  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

Bouchard, Candace  
Daneault, Gabriel  
French, Barbara  
Jacobson, Alf  
Lavoie, Gerard  
Marshall, Kenneth  
Potter, Frances  
Rosenfield, Jay  
Wallner, Mary Jane

Brewster, Richard  
Davis, Francis  
Gile, Mary  
Kennedy, Richard  
Leber, William  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

**ROCKINGHAM**

Abbott, Dennis  
Blanchard, MaryAnn  
Clark, Martha  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kane, Cecelia

Arndt, Janet  
Bridle, Russell  
Clark, Vivian  
Dowling, Patricia  
Flanders, John Sr  
Grant, Kenneth  
Hutchinson, Karen  
Katsakiores, George

Beaulieu, Jon  
Case, Margaret  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Katsakiores, Phyllis

Belanger, Ronald  
Christie, Andrew Jr  
Corbin, C David  
Fesh, Robert  
Gibbons, Paul  
Hamel, Albert  
Johnson, Robert  
Kelley, Jane



Kelley, William  
 Letourneau, Robert  
 Moore, Benjamin  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Rabideau, Marie  
 Ruffner, Walter  
 Shelton, Richard  
 Stone, Joseph  
 Vaughn, Charles  
 Weyler, Kenneth

Kobel, Rudolph  
 Lovejoy, Marian  
 Morse, Charles  
 O'Neil, Michael  
 Priestley, Anne  
 Raynowska, Bernard  
 Sabella, Norma  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Weare, Everett  
 Whittier, John

Langley, Jane  
 Major, Norman  
 Norelli, Terie  
 Packard, Sherman  
 Putnam, Ed II  
 Reardon, Neil  
 Sapareto, Frank  
 Splaine, James  
 Tufts, J Arthur  
 Weatherspoon, Jackie  
 Zolla, William

Langone, John  
 McKinney, Betsy  
 Noyes, Richard  
 Pantelakos, Laura  
 Quandt, Marshall  
 Rubin, George  
 Schanda, Frank  
 Stickney, Nancy  
 Varrell, Thomas  
 Welch, David

### STRAFFORD

Berube, Roger  
 Brown, Julie  
 Domingo, Baldwin  
 Grassie, Anne  
 Keans, Sandra  
 McKinley, Robert  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Bickford, David  
 Callaghan, Frank  
 Dunlap, Patricia  
 Heon, Richard  
 Knowles, William  
 Musler, George  
 Smith, Marjorie  
 Torr, Franklin  
 Wall, Janet

Brennan, William  
 Cossette, Larry  
 Estabrook, Iris  
 Johnson, Nancy  
 Lent, Donald  
 Pelletier, Arthur  
 Snyder, Clair  
 Tsiros, William  
 Woods, Phyllis

Brown, George  
 DeChane, Marlene  
 Gilmore, Gary  
 Kaen, Naida  
 Lundborn, Raymond  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

### SULLIVAN

Allison, David  
 Flint, Gordon Sr  
 Robb-Theroux, Amy

Burling, Peter  
 Jones, Constance  
 Tuthill, John

Cloutier, John  
 Leone, Richard  
 Wiggins, Celestine

Donovan, Thomas Jr  
 Phinizy, James  
 Young, David

### NAYS 6

### BELKNAP

Boyce, Robert

### CARROLL

None

### CHESHIRE

None

### COOS

Merrill, Gerald

### GRAFTON

None

### HILLSBOROUGH

Vaillancourt, Steve

### MERRIMACK

None

### ROCKINGHAM

Nowe, Mary Lou

Nowe, Ronald

### STRAFFORD

None

### SULLIVAN

Kibbey, David

and the majority report was adopted.

Referred to Finance.

Rep. Mirski declared a conflict of interest and did not participate.

**SB 315**, changing the form for writs of execution. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Martha S. Solow for Judiciary: When a judgment has been made against a debtor a writ of execution may be issued by a court against the assets of the defendant in order to recover what is owed to the plaintiff. This bill alters the written form of the document to go beyond "goods and chattels" to include rights or credit, property interest, personal estate and money to satisfy the judgment. Vote 13-0.

#### Amendment (4157h)

Amend RSA 527:12 as inserted by section 1 of the bill by replacing it with the following:

527:12 Form. Writs of execution shall be substantially in the following form:

#### THE STATE OF NEW HAMPSHIRE

\_\_\_\_\_ ss. To the sheriff *or deputy sheriff* of any county [~~or his deputy~~]:  
[L.S.] Whereas, \_\_\_\_\_, of \_\_\_\_\_, by the consideration of our justices of our court of \_\_\_\_\_, holden at \_\_\_\_\_, in said County of \_\_\_\_\_, on the \_\_\_\_\_ Tuesday of \_\_\_\_\_, recovered judgment against \_\_\_\_\_ of \_\_\_\_\_ for the sum of \_\_\_\_\_ dollars, and costs taxed at \_\_\_\_\_, as appears of record, whereof execution remains to be done. We command you, therefore, that of the *money*, goods, chattels [~~or~~], lands, *personal estate, property interest, right or credit* of the said debtor, in your precinct, you cause to be levied and paid to the said creditor the aforesaid sums, with lawful interest thereon, and \_\_\_\_\_ more for this writ and your own fees; and make return of this writ, with your doings thereon, to said court, to be holden at \_\_\_\_\_, in said county, upon the \_\_\_\_\_ Tuesday of \_\_\_\_\_  
Witness, \_\_\_\_\_, Esquire, the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, Clerk.

Adopted.

Report adopted and ordered to third reading.

### SENATE MESSAGES

#### NONCONCURS WITH AMENDMENTS

#### REQUESTS COMMITTEES OF CONFERENCE

**SB 403-FN-A**, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

The President appointed Sens. Disnard, Russman and Below.

Rep. Musler moved that the House accede.

Adopted.

The Speaker appointed Reps. Scanlan, Leighton Pratt, Babson and Phinizy.

**SB 431**, relative to certain secondary vocational education programs.

The President appointed Sens. Larsen, McCarley and Gordon.

Rep. O'Hearn moved that the House accede.

Adopted.

The Speaker appointed Reps. Daniels, Ward, Alger and Guest.

#### MOTION TO SUSPEND RULES

Rep. Marple moved that rule 40(a) be so far suspended as to permit the late drafting and introduction of a Constitutional Amendment Concurrent Resolution relative to the appointment of judges.

Rep. Marple spoke in favor.

Rep. Mock spoke against.

On a division vote, 33 members having voted in the affirmative and 306 in the negative, the motion failed.

#### RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 349**, relative to the sale of the marital residence or other real property in a domestic proceeding.

**SB 386-FN-L**, relative to names on birth certificates and affidavits of paternity.

**SB 97**, relative to charitable trusts which are institutional funds.

**SB 350**, adding business development to the law governing industrial development authorities.

**SB 351**, making certain changes in the laws relative to fraternal benefit societies and health service corporations.

**SB 452**, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses.

**SB 305**, relative to payments to defeat eviction for nonpayment of rent.

**SB 308**, relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties.

**SB 340**, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting.

**SB 344**, relative to appointment of housing consumers to housing authority boards.

**SB 330**, establishing a committee to study the impact of water withdrawals on instream flows.

**SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages.

**SB 454**, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license.

**SB 360**, adopting a pupil safety and violence prevention act.

**HB 2000-FN-L**, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

**SB 315**, changing the form for writs of execution.

**UNANIMOUS CONSENT**

Reps. Garrish, Almy and Jacobson addressed the House.

Rep. Sabella moved that the remarks made by Rep. Garrish be printed in the Journal.

Adopted.

Rep. Garrish: Thank you, Madam Speaker. My esteemed colleagues, I rise today to ask your indulgence for just a few moments to speak on Holocaust remembrance. This past Tuesday, May 2<sup>nd</sup>, was observed internationally as the year 2000's day of remembrance, but the week is also recognized as a special time to remember. I am not Jewish and I do not personally know a Holocaust survivor. In my own life span, there will come a time when no survivors will live an earthly life. I am, however, Christian, and I do it because it just felt right. I humbly speak to you today about something we can never forget. I reach out to you who represent every nook and cranny of our great state of New Hampshire. I reach out to you as Jews, Christians, people of many faiths, belief systems and spiritual centers. I reach out to you as parents, grandparents, sisters, brothers, neighbors and friends. I reach out to you to remember, to never forget that time in the modern civilized world that shook humanity to its core. I ask you to frame that remembrance in the awareness of a growing tide of violence between our children and the violence of hate, not only in New Hampshire and in America but also in the world. But, we must remember, not just today, this week or this year, we must remember always. We must insure that our children, their children and children for all generation measure their thoughts and actions by the principles of justice, fairness, equality and non-violence so that times like the Holocaust will never happen again; so that differences within mankind are celebrated, not eliminated. I ask you as fellow leaders to do just that. Everything we do individually and collectively must be measured by those same principles even though we may do them differently. In closing, if I may paraphrase words so commonly used in the Holocaust remembrances: Never again, anytime, anywhere and to anyone. Thank you.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of introduction of Senate bills, receiving Senate Messages, enrolled bill amendments and enrolled bill reports, only.

Adopted.

The House recessed at 1:05 p.m.

## RECESS

(Rep. Leber in the Chair)

## RESOLUTION

Rep. Chandler offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 457, 465 and 472 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

## INTRODUCTION OF SENATE BILLS

## First, second reading and referral

**SB 457**, relative to ownership of certified public accounting firms. (Executive Departments and Administration)

**SB 465-FN-L**, relative to the definition of "sugar orchard" for purposes of the timber yield tax. (Environment and Agriculture)

**SB 472**, relative to final authorization of electric rate reduction financing and commission action. (Science, Technology and Energy)

## SENATE MESSAGES

## CONCURRENCE

**HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system.

## CONCURRENCE WITH AMENDMENT

**SB 434-FN-L**, exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.

## ENROLLED BILL AMENDMENTS

**HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.

## Amendment (4386-EBA)

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 2001.

Adopted.

**HB 1102**, relative to accessibility of veterans' disability payments in divorce cases.

## Amendment (4380-EBA)

Amend RSA 458:19, IV(e) as inserted by section 3 of the bill by replacing line 2 with the following: unearned income and social security disability payments of a spouse of the obligor party shall not  
Adopted.

**HB 1195**, making technical changes to the law regulating acupuncture.

## Amendment (4342-EBA)

Amend section 6 of the bill by replacing line 9 with the following:  
training and fundamental sciences and that conform to [NCCA] *NCCAOM* standards. In addition, all applicants who have  
Adopted.

**HB 1244**, relative to the use of certain needle technology.

## Amendment (4329-EBA)

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:



3 Contingency. If SB 402-FN of the 2000 legislative session becomes law, then RSA 275:57-59 as inserted by section 2 of this act shall be renumbered as RSA 275:58-60.

Adopted.

**HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B.

### **Amendment (4313-EBA)**

Amend section 5 of the bill by replacing line 3 with the following:

the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

Adopted.

## **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 1156, 1200, 1357, 1404 and 1483 and Senate Bills 170 and 320.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

## **RECESS**

**(Rep. Clegg in the Chair)**

## **SENATE MESSAGES**

## **CONCURRENCE**

**HB 1107**, relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion.

**HB 1130**, relative to persons conducting alcohol concentration tests.

**HB 1145**, limiting the liability of state certified fire instructors.

**HB 1209**, relative to the construction and reconstruction of class B and class C dams.

**HB 1294-L**, relative to regional planning commissions.

**HB 1316-L** prohibits school districts from using disbursements from the education trust fund as unanticipated revenue.

**HB 1335**, requiring hospitals to disclose certain information to the attorney general.

**HB 1338**, increasing the membership of the American and Canadian French cultural exchange commission.

**HB 1467**, relative to the registration of mail-order pharmacies.

**HB 1468-FN**, relative to the registration of pharmacy technicians.

**HB 1541-FN-L**, relative to the cremation of deceased persons.

**HB 1562-FN**, establishing criminal penalties for violations of orders of protection under the child protection act.

**HB 1606-FN**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

**HJR 22**, a resolution relative to the unintended consequences of the Balanced Budget Act of 1997.

## **REFERRED FOR INTERIM STUDY**

**HB 1619**, relative to school employee and volunteer background investigations.

## **NONCONCURRENCE**

**HB 254-L**, establishing a committee to study building inspector liability and other related matters.

**HB 457**, extending the committee to study electric rate reduction financing.

**HB 1236**, relative to an informed jury.

**HB 1281**, relative to disqualification of public utility commissioners.

**HB 1452**, codifying the powers and duties of the joint committee on legislative facilities.

**HB 1508-FN**, establishing a study committee on antitrust laws as they apply to hospital business practices.

**HB 1535-FN**, relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.

**HCR 32**, a resolution urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve.

**HCR 34**, a resolution urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers.

### CONCURRENCE WITH AMENDMENTS

**SB 315**, changing the form for writs of execution.

**SB 360**, adopting a pupil safety and violence prevention act.

**SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.

### ENROLLED BILL AMENDMENTS

**HB 312**, relative to the carrying of firearms in courthouses.

#### Amendment (4470-EBA)

Amend the bill by replacing section 1 with the following:

1 Firearms Restrictions; Courthouse Security. RSA 159:19 is repealed and reenacted to read as follows:

159:19 Courthouse Security.

I. No person shall knowingly carry a loaded or unloaded pistol, revolver, or firearm or any other deadly weapon as defined in RSA 625:11, V, whether open or concealed or whether licensed or unlicensed, upon the person or within any of the person's possessions owned or within the person's control in a courtroom or area used by a court. Whoever violates the provisions of this paragraph shall be guilty of a class B felony.

II. Firearms may be secured at the entrance to a courthouse by courthouse security personnel.

III. For purposes of paragraph I, "area used by a court" means:

(a) In a building dedicated exclusively to court use, the entire building exclusive of the area between the entrance and the courthouse security.

(b) In any other building which includes a court facility, courtrooms, jury assembly rooms, deliberation rooms, conference and interview rooms, the judge's chambers, other court staff facilities, holding facilities, and corridors, stairways, waiting areas, and elevators directly connecting these rooms and facilities.

IV. The provisions of this section shall not apply to marshals, sheriffs, deputy sheriffs, police or other duly appointed or elected law enforcement officers, bailiffs and court security officers, or persons with prior authorization of the court for the purpose of introducing weapons into evidence and as otherwise provided for in RSA 159:5.

V. It shall be an affirmative defense to any prosecution under paragraph I that there was no notice of the provisions of paragraph I posted in a conspicuous place at each public entrance to the court building.

Adopted.

**HB 522**, relative to the public's access to sex offender registry information.

#### Amendment (4478-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Duty to Report. RSA 651-B:4, I is repealed and reenacted to read as follows:

Amend section 3 of the bill by replacing line 1 with the following:

3 Updates. Amend RSA 651-B:7, IV to read as follows:

Amend section 4 of the bill by replacing lines 7-10 with the following:

III. *A sexual offender or offender against children previously convicted of a misdemeanor pursuant to paragraph II who knowingly fails to comply with the requirements of this chapter shall be guilty of a class B felony.*

IV. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a  
Adopted.

### RECESS

(Speaker Sytek in the Chair)

### ENROLLED BILL AMENDMENTS

**SB 143-FN**, relative to penalties for incest. (Amendment printed SJ 5/11/00)

Adopted.

**SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities. (Amendment printed SJ 5/11/00)  
 Adopted.

## RECESS

(Rep. Keith Herman in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 1145**, limiting the liability of state-certified fire instructors.

### Amendment (4533-EBA)

Amend the bill by replacing lines 1-3 of section 1 with the following:

1 New Section; Liability of State Certified Fire Instructors. Amend RSA 21-P by inserting after section 12-b the following new section:

21-P:12-c Liability Limited; State Certified Fire Instructors.

Adopted.

**HB 1294**, relative to regional planning commissions.

### Amendment (4532-EBA)

Amend RSA 36:46, III as inserted by section 3 of the bill by replacing line 19 with the following:  
*addition, regional planning commissions are encouraged to consult, at their discretion,*  
 Adopted.

**HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue.

### Amendment (4538-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting school districts from using disbursements from the education trust fund as unanticipated revenue.

Adopted.

**HB 1541-FN-L**, relative to the cremation of deceased persons.

### Amendment (4510-EBA)

Amend RSA 166:19-a, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. The funeral director or the person who paid for the funeral and burial *or cremation*

Adopted.

**HB 1606-FN**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

### Amendment (4534-EBA)

Amend RSA 12-J:3 as inserted by section 2 of the bill by replacing it with the following:

12-J:3 Duties. The duties of the commission shall be to:

I. Develop and revise, as necessary, a statewide plan for the effective prevention of alcohol and drug abuse, particularly among youth, and a comprehensive system of intervention and treatment for individuals and families affected by alcohol and drug abuse. The statewide plan shall:

(a) Identify the causes, nature and scope, and the impact of alcohol and drug abuse in New Hampshire.

(b) Identify and prioritize unmet needs for prevention, intervention, and treatment.

(c) Recommend initiatives to reduce the incidence of alcohol and drug abuse in New Hampshire.

(d) Identify and quantify public and private resources available to support alcohol and drug abuse prevention, intervention and treatment.

(e) Specify additional resources necessary to address unmet needs for prevention, intervention, and treatment.

(f) Specify evaluation and monitoring methodology.

II. Promote collaboration between and among state agencies and communities to foster the development of effective community-based alcohol and drug abuse prevention programs.

III. Promote the development of treatment services to meet the needs of citizens addicted to alcohol or other drugs.

IV. Identify unmet needs and the resources required to reduce the incidence of alcohol and drug abuse in New Hampshire and to make recommendations to the governor regarding legislation and funding to address such needs.

Amend section 3 of the bill by replacing line 3 with the following:

in section 2 of this act on or before January 1, 2001.

Adopted.

### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 235, 310, 1131, 1163, 1344, 1406, 1410, 1412, 1454, 1459, 1492, 1494, 1559 and 1560 and Senate Bills 305, 311, 325, 327, 340, 344, 350, 351, 372, 386, 394, 402, 416, 426, 434, 452 and 454.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### **RECESS**

### **(Speaker Sytek in the Chair)**

Rep. Buckley moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 16

Wednesday, May 17, 2000

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator of all that is, seen and unseen. We ask Your blessing upon the deliberations and decisions within this hallowed chamber. May Your divine grace transform our darkened world and generate in us and in every citizen of our beloved New Hampshire the spark of thanksgiving which enlightens our paths and uplifts our hearts. In the assurance of Your eternal power, we pray. Amen.

Rep. McGuirk led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, Langer, Nichols, Perkins and Searles, the day, illness.

Reps. Doucette, Dowling, Dudley, Emerton, Fenton, David Flanders, Eugene Gagnon, Glines, Grassie, Karen Hutchinson, Langone, Leishman, Martin, Nolan-Piteri, Phinney, Picconi, Rice, Riley, Robb-Theroux, Ruffner, Ronald Russell, Salatiello, Spear and Tsiros, the day, important business. Reps. Julie Brown, Carol Moore and Tate, the day, illness in the family.

### INTRODUCTION OF GUESTS

Arpad Toth, guest of Reps. Robertson and Meader. Paul Speis, guest of the Amherst Delegation. Kay Lohnes and Nancy Sandberg, guests of Rep. Marjorie Smith. Barbara Brewster, wife of Rep. Brewster. John Coughlin, Jr., son of Rep. Coughlin. Maz DeLuca, guest of the House.

### SPECIAL GUEST

Tony DeLuca, the New Hampshire winner of the *Speak for Yourself* letter-writing contest sponsored by the Respecteen National Youth Forum, guest of the House.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### AMENDMENT TO HOUSE RULES

The Rules Committee offered the following:

#### Amendment (4495h)

Amend House Rule 64 by adding:

September 13, 2000, Wednesday – First day for incumbents who are candidates for re-election to file LSR's with complete information.

November 1, 2000, Wednesday – Final day to file interim study reports with the house clerk.

November 8, 2000, Wednesday – First day for new members to file LSR's with complete information; Begin requirements of 10 day sign-off rule.

Reps. Chandler and Nordgren spoke in favor.

Adopted by the necessary two-thirds.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students. (Amendment printed SJ 5/11/00)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1183**, relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements. (Amendment printed SJ 5/11/00)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1424**, relative to reevaluation of a person's competency to stand trial. (Amendment printed SJ 4/27/00)

Rep. Welch moved that the House concur.

Adopted by the necessary two-thirds.

**HB 1431**, relative to protective orders in domestic violence cases. (Amendment printed SJ 5/11/00)

Rep. Welch moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

#### CLERK'S NOTE

The Constitutionally required two-thirds of the membership was declared present.

#### SENATE MESSAGES (CONT'D.)

##### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 226-L**, establishing municipality bond payment schedules and percentages. (Amendment printed SJ 4/20/00)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Leone, Brundige, St. Cyr and Simon.

**HB 304**, relative to school employee and volunteer background investigations. (Amendment printed SJ 4/20/00)

Rep. O'Hearn moved that the House concur.

Adopted.

**HB 521-L**, allowing municipalities that have adopted the municipal budget act to override the 10 percent limitation on exceeding appropriations recommended by the budget committee. (Amendment printed SJ 4/6/00)

Rep. Hess moved that the House concur.

On a division vote, 252 members having voted in the affirmative and 62 in the negative, the motion was adopted.

**HB 713-FN**, relative to penalties for multiple DWI offenses. (Amendment printed SJ 5/11/00)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Christie, Tholl, Sargent and Rodd.

**HB 1124-L**, relative to local building codes. (Amendment printed SJ 4/6/00)

Rep. Hess moved that the House concur.

Adopted.

**HB 1165-FN-L**, reclassifying certain roads in the town of Northfield, Tilton and Waterville Valley, (Amendment printed SJ 5/11/00)

Rep. Edwin Smith moved that the House concur and spoke in favor.

Adopted.

**HB 1233**, relative to interest on judgments. (Amendment printed SJ 5/11/00)

Rep. Mock moved that the House nonconcur.

Adopted.

**HB 1377**, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. (Amendment printed SJ 4/27/00)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

**HB 1448**, relative to the partition of real property. (Amendment printed SJ 4/20/00)

Rep. Mock moved that the House concur.

Adopted.

**HB 1570-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. (Amendment printed SJ 5/11/00)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Christie, Tholl, Knowles and O'Keefe.

**HB 1607**, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services. (Amendment printed SJ 4/20/00)

Rep. Batula moved that the House concur.

Adopted.

**HB 1617-FN**, relative to suspension of a driver's license for sufficient cause. (Amendment printed SJ 5/11/00)

Rep. Packard moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Packard, Bartlett, Letourneau and Turgeon.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 393**, relative to single producer licensing, removed by Rep. Torr.

**SB 459**, relative to underinsured motorists, removed by Rep. Craig.

**SB 436**, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated, removed by Rep. Welch.

**SB 439-FN**, relative to motor vehicle offenses resulting in serious bodily injury, removed by Rep. Packard.

**SB 457**, relative to ownership of certified public accounting firms, removed by Rep. Rosenfield.

**SB 424**, relative to controlled substances used for pain management, removed by Rep. Lozeau.

Consent Calendar adopted.

**SB 310**, relative to New Hampshire state-chartered banks and interstate banking. OUGHT TO PASS

Rep. Sheila T. Francoeur for Commerce: This bill will increase the maximum dollar volume of a bank's deposits as a percentage of the dollar volume of total bank deposits in the state from 20% to 30%. This total includes deposits, time, savings and demand accounts in state-chartered banks, national banks and federal savings and loan associations. Deposits in Credit Unions are not included in this total. The current deposit cap of 20% was instituted in 1963. Currently 40 states have deposit caps higher than New Hampshire. This bill also specifies the conditions required for an out-of-state bank to establish branches in New Hampshire and allows state-chartered banks to participate in activities authorized by the Financial Modernization Act. Vote 19-0.

**SB 316**, relative to "most favored nation" or "equally favored nation" provisions in insurance provider contracts. OUGHT TO PASS

Rep. Tim S. McGough for Commerce: Most favored or equally favored nation provisions in insurance provider contracts refer to language in a contract between a doctor or hospital and an insurance carrier that require the provider to give the same or better fee scale to any carrier with this clause in the contract. For example, an insurance plan negotiates a price for a given service from a hospital and they have a most favored nation clause in their contract, then another plan negotiates a better price from the same hospital. The hospital must now offer that better price to the first plan because of the MFN clause. The committee felt that this type of contract provision discourages competition in the market and unfairly allows certain insurance plans with very large market share to benefit from the negotiating of smaller plans trying to break into the New Hampshire health care marketplace. Although the committee is usually uncomfortable intruding into contract negotiations between private parties, the committee feels the health care consumer is best served by prohibiting this type of provision in order to encourage more insurance plans to enter into our state's market. In the past many types of legislative remedies involving health insurance contracts have

passed including terms of payment, review period for new contracts and many benefit mandates. The committee examined this issue in subcommittee and found that many small providers such as small family practice physician groups are forced to "take it or leave it" when it comes to contracts with large insurance plans. Larger hospitals have the ability to refuse these provisions but many of the state's 26 acute-care hospitals do not have that luxury. Only one insurance plan, the state's largest, appeared in opposition to this bill, and the insurance department, the NH Medical Society, and several other insurance plans appeared in support. While we found only one such EFN agreement in place and no MFN clauses readily apparent, the committee believes passage of this legislation is in the best long-term interest of the New Hampshire health insurance market and in the best interest of the consumer. Vote 18-1.

**SB 332**, relative to risk-based capital for health organizations. **OUGHT TO PASS**

Rep. Tim S. McGough for Commerce: This bill adds health organizations to the law regarding risk-based capital for insurers. In doing so, health maintenance organizations, health service corporations, and dental and vision insurance plans will be subject to the same scrutiny to ensure fiscal soundness based on the amount of risk-based capital held by a given organization that life insurance plans currently are subject to. This bill was requested by the Department of Insurance and was not opposed by the industry because most companies affected by this legislation currently conform to its requirements. Vote 19-0.

**SB 359**, establishing a committee to study the issues relative to manufactured housing parks in New Hampshire. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony R. DiFrancia for Commerce: The subject matter of this legislation is currently in interim study by the Senate so there is no need for this study committee. Vote 14-2.

**SB 368**, relative to insurance fraud. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tim S. McGough for Commerce: In order to clarify the duties and powers of the insurance fraud investigation unit, this bill was requested by the New Hampshire Department of Insurance. The language in the amendment broadens the type of law enforcement agency the unit may assist or request assistance from in carrying out their duties to detect and prosecute insurance-related criminal activity, and corrects a typographical error in current statute. No one appeared in opposition to this legislation that the committee viewed as a positive step to protect the consumer from rising insurance costs due to fraudulent claims. Vote 13-0.

**Amendment (4320h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Fraud Investigation Unit. Amend RSA 417:23 to read as follows:

417:23 Insurance Fraud Investigation Unit Established. There is established in the department of insurance the insurance fraud investigation unit. The unit shall assist the commissioner ~~(in administratively investigating allegations of)~~, **or any law enforcement agency, in investigating** insurance fraud **or other insurance-related criminal activity** and in developing and implementing programs to prevent insurance fraud and abuse. The unit shall have the power to subpoena witnesses and administer oaths in any ~~(proceeding before it)~~ **investigation it conducts**, and to compel the production of any books, papers or other memoranda or documents by subpoena duces tecum. The unit shall promptly notify the attorney general of any insurance application, claim, or activity which involves criminal conduct. When required by the commissioner and the attorney general, the unit shall cooperate with the attorney general in the investigation and prosecution of criminal violations.

2 Evidence Collection; Criminal Activity. Amend RSA 417:26 to read as follows:

417:26 Evidence Collection. If, by its own inquiries or as a result of complaints, the insurance department has any reason to believe that a person has engaged in, or is engaging in, any ~~(insurance fraud or has violated any provision of RSA 638:20)~~ **criminal activity or any violations involving title XXXVII**, it may administer oaths, serve subpoenas ordering the attendance of witnesses or production of material, and collect evidence.

3 Antifraud Initiatives. Amend RSA 417:30, 1(a)

(a) Fraud ~~(investigations)~~ **investigators**, who may be insurer employees or independent contractors; or

4 New Paragraph; Failure to Submit Plan; Penalty. Amend RSA 417:30 by inserting after paragraph III the following new paragraph:



IV. If the commissioner finds that an insurer licensed to do business in New Hampshire has failed to submit a plan, as required under paragraph I of this section, reasonably calculated to detect, prosecute, and prevent fraudulent insurance acts, or has submitted but failed to execute that plan, the commissioner may issue a fine or suspend the right of the insurer to do business in this state until such time as that insurer comes into compliance with the provisions of this chapter.

5 Concealment; Fraud. The unnumbered paragraph of RSA 407:22 relative to concealment, fraud is repealed and reenacted to read as follows:

Concealment, fraud.

Coverage under this policy shall be void for the insured who, whether before or after a loss, has intentionally concealed or misrepresented any material or circumstance; engaged in fraudulent conduct; or made false statements relating to this insurance.

6 Effective Date. This act shall take effect 60 days after its passage.

#### **SB 375, relative to motor vehicle dealerships. OUGHT TO PASS WITH AMENDMENT**

Rep. Gene B. Marshall for Commerce: As introduced, this bill totally restricted the circumstances under which any auto manufacturers could operate dealerships in competition with area dealers or franchisees. The committee worked with representatives of all concerned parties to craft a solution which meets the needs of all while preserving a high degree of protection for New Hampshire businesses and consumers alike. The bill also includes amendments requested by the Division of Motor Vehicle clarifying procedures of the NH Motor Vehicle Industry Board for dealing with challenges to (dealer service) chargebacks and with appeals from the board's decisions. Vote 14-0.

#### **Amendment (4396h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Unfair Methods of Competition; Motor Vehicle Manufacturers or Distributors Prohibited from Acting As Dealers or Franchisees. RSA 357-C:3, III(k) is repealed and reenacted to read as follows:

(k) Compete with a motor vehicle dealer operating under an agreement or franchise from such manufacturer or distributor in the relevant market area; provided, however:

(1) If any manufacturer, distributor, distributor branch or division, or factory branch or division, either directly or indirectly, or through any subsidiary, affiliated entity or person, owns, operates or controls, in full or in part, a motor vehicle dealership in this state for the sale or service of motor vehicles in this state, the relevant market area shall be the area within the entire state of New Hampshire and, except for circumstances in which subparagraph (3) may apply, the New Hampshire motor vehicle industry board shall find good cause under RSA 357-C:9 before any such ownership, operation, or control shall be permitted. In addition to those factors listed in RSA 357-C:9, II, the board in such circumstances shall also consider in its determination of good cause whether the proposed dealership will create an unfair method of competition to other franchisees of the same manufacturer, distributor, distributor branch or division, factory branch or division, subsidiary or affiliated entity;

(2) That a manufacturer or distributor shall not be deemed to be competing when operating a dealership either temporarily, for a reasonable period in any case not to exceed 2 years; provided that if a manufacturer or distributor shows good cause, the board may extend this time limit and extensions may be granted by the board for periods of up to 12 months; or unless the manufacturer or dealer through a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions; and

(3) A manufacturer that has no more than 5 franchised new motor vehicle dealers licensed to do business in this state and that directly or indirectly owns one or more of them shall not be deemed to be competing with any unaffiliated new motor vehicle dealer trading in the manufacturer's line make at a distance of 18 miles or greater provided that:

(A) All the new motor vehicle dealerships selling such manufacturer's motor vehicles trade exclusively in the manufacturer's line make;

(B) As of March 1, 2000, the manufacturer shall have directly or indirectly owned one or more new motor vehicle dealers in this state for a continuous period of at least 1 year; and

(C) Neither the manufacturer nor any entity in which the manufacturer has a majority ownership interest shall acquire, operate, or control any dealership that the manufacturer did not directly or indirectly own as of March 1, 2000.

2 Chargebacks; Audits. Amend RSA 357-C:5, II (d)(5) to read as follows:

(5) Any chargeback resulting from any audit shall not be made until a final order is issued by the New Hampshire motor vehicle industry board if a protest to the proposed chargeback is filed within 30 days of the notification of the *final* amount claimed by the manufacturer, distributor, branch, or division to be due *after exhausting any procedure established by the manufacturer, distributor, branch, or division to contest the chargeback, other than arbitration*. If the chargeback is affirmed by a final order of the board, the dealer shall be liable for interest on the amount set forth in the order at a rate of the prime rate effective on the date of the order plus one percent per annum from the date of the filing of the protest. In the absence of fraud, the board may order, based on the equities and circumstances of the parties, that the chargeback plus applicable interest be paid in installments not exceeding 12 months. If the board finds that a warranty chargeback is the result of a fraudulent warranty claim, no installment payments shall be allowed by the board.

3 Appeals; Enforcement. Amend RSA 357-C:12, VII to read as follows:

VII. Within 20 days after any order or decision of the board, any party to the proceeding may apply for a rehearing with respect to any matter determined in the proceeding, or covered or included in the order or decision. The application for rehearing shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the board shall be taken unless the appellant makes an application for rehearing as provided in this paragraph, and when such application for rehearing has been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by a court unless the court for good cause shown allows the appellant to specify additional grounds. Any party to the proceeding may appeal *the final order, including all interlocutory orders or decisions*, to the superior court within 30 days after the date the board rules on the application for reconsideration *of the final order or decision*. All findings of the board upon all questions of fact properly before the court shall be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law. No additional evidence shall be heard or taken by the superior court on appeals from the board.

4 Effective Date. This act shall take effect January 1, 2001.

#### AMENDED ANALYSIS

This bill restricts the circumstances whereby a motor vehicle manufacturer or distributor may operate a dealership in the state without engaging in unfair competition with area dealers or franchisees.

The bill also makes certain changes regarding chargebacks from audits and appeals from decisions and orders of the New Hampshire motor vehicle industry board.

**SB 378**, relative to Article 9 of the Uniform Commercial Code. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tara G. Reardon for Commerce: This bill changes the effective date of the computerized filing system for security interests under Article 9 of The Uniform Commercial Code from July 1, 2001 to the earlier of July 1, 2002 or a date 3 months after the secretary of state certifies to the governor that the participating cities and towns are prepared to accept filings on behalf of the centralized filing system. Additionally, the bill clarifies the fee for filing each debtor name and replaces the 75 cents per page copy fee inadvertently deleted from 382-A:9-407(2). Vote 17-0.

#### Amendment (4369h)

Amend the bill by replacing all after the enacting clause with the following:

1 Uniform Conditional Sales Law; Destruction of Certain Records Authorized; References Changed. Amend RSA 361:10-a to read as follows:

361:10-a Destruction of Certain Records Authorized. Any town or city clerk may destroy any financing statement required to be filed in a town under RSA 382-A:9-401(1)(c) as effective until ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, and any amendments, continuation statements, termination statements, or other documents and records relating thereto after ~~[July 1]~~ *5 years after the certification date established pursuant to RSA 382-A:9-412(1)*. Any town or city clerk may destroy any financing statement required to be filed under RSA 382-A:9-401(1)(a) *as effective until the certification date established pursuant to*

**RSA 382-A:9-412(1)**, and any amendments, continuation statements, termination statements, or other documents and records relating thereto 6 years after the filing of the last continuation statement.

2 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; Formal Requisites of Financing Statement, Amendments, Mortgage as Financing Statement; Amendments; Place of Filing. Amend RSA 382-A:9-402(4) to read as follows:

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this Article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments. On and after ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, any amendment to a financing statement filed ~~[in a city or town or]~~ *prior to the certification date established pursuant to RSA 382-A:9-412(1)*

(a) with the secretary of state under section ~~[401(a) or (c)]~~ *401(1)(c)* of this Article, *as effective until the certification date established pursuant to RSA 382-A:9-412(1)*, ~~[prior to July 1, 2001]~~ shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state, *and shall reference the date and file number of the financing statement filed with the secretary of state;*

(b) *with the office of the clerk of a town under section 401(1)(a) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), shall only be filed according to RSA 382-A:9-412(3).*

3 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; What Constitutes Filing, Duration of Filing, Effect of Lapsed Filing, Duties of Filing Officer; Continuation; Place of Filing. Amend RSA 382-A:9-403(3) to read as follows:

(3) A continuation statement may be filed by the secured party within 6 months prior to the expiration of the 5-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of Section 9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for 5 years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if ~~[he]~~ *the filing officer* has retained a microfilm, electronic, or other record conforming to the requirements of section 410 of this article, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if ~~[he]~~ *the filing officer* physically destroys or electronically erases the financing statements of a period more than 5-years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. On and after ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, any continuation statement to a financing statement filed ~~[in a city or town or]~~ *prior to the certification date established pursuant to RSA 382-A:9-412(1)*

(a) with the secretary of state under section ~~[401(a) or (c)]~~ *401(1)(c)* of this Article, *as effective until the certification date established pursuant to RSA 382-A:9-412(1)*, ~~[prior to July 1, 2001]~~ shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state, *and shall reference the date and file number of the financing statement filed with the secretary of state;*

(b) *with the office of the clerk of a town under section 401(1)(a) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), shall only be filed according to RSA 382-A:9-412(3).*

4 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; What Constitutes Filing, Duration of Filing, Effect of Lapsed Filing, Duties of Filing Officer; Fees; Debtor Name. Amend RSA 382-A:9-403(5) to read as follows:



(5) The fee for filing *each debtor name*, indexing *each debtor name*, and furnishing filing data for an original or a continuation statement, or any amendment thereof, on a form conforming to standards prescribed by the secretary of state shall be in accordance with the fees established pursuant to RSA 478:17-g, or, if the statement does not conform to such form but otherwise conforms to the requirements of Section 9-402, the fee shall be in accordance with RSA 478:17-g.

5 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; What Constitutes Filing, Duration of Filing, Effect of Lapsed Filing, Duties of Filing Officer; Reference Changed. Amend RSA 382-A:9-403(8) to read as follows:

(8) On and after ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, the secretary of state, registers of deeds, and those clerks of cities and towns participating in the centralized filing system administered by the secretary of state are filing officers for the purposes of this chapter and for all other filings required by law to be made with or through them in accordance with this chapter, including, but not limited to, filings under RSA 21-J, RSA 147-B, RSA 161-C, RSA 204-C, RSA 282-A, RSA 450, RSA 454-B, RSA 511, and RSA 511-A.

6 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; Termination Statement; Place of Filing. Amend RSA 382-A:9-404(4) to read as follows:

(4) On and after ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, any termination statement relating to a financing statement filed ~~[in a city or town or] prior to the certification date established pursuant to RSA 382-A:9-412(1)~~

(a) with the secretary of state under section ~~[401(a) or (c)]~~ *401(1)(c)* of this Article, *as effective until the certification date established pursuant to RSA 382-A:9-412(1)*, ~~[prior to July 1, 2001]~~ shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state, *and shall reference the date and file number of the financing statement filed with the secretary of state;*

(b) *with the office of the clerk of a town under section 401(1)(a) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), shall only be filed according to RSA 382-A:9-412(3).*

7 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; Assignment of Security Interest, Duties of Filing Officer, Fees; Assignment; Place of Filing. Amend RSA 382-A:9-405(4) to read as follows:

(4) On and after ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, any assignment of a secured party's rights under a financing statement filed ~~[in a city or town or] prior to the certification date established pursuant to RSA 382-A:9-412(1)~~

(a) with the secretary of state under section ~~[401(a) or (c)]~~ *401(1)(c)* of this Article, *as effective until the certification date established pursuant to RSA 382-A:9-412(1)*, ~~[prior to July 1, 2001]~~ shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state, *and shall reference the date and file number of the financing statement filed with the secretary of state;*

(b) *with the office of the clerk of a town under section 401(1)(a) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), shall only be filed according to RSA 382-A:9-412(3).*

8 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; Release of Collateral, Duties of Filing Officer, Fees; Place of Filing. Amend RSA 382-A:9-406 to read as follows:

382-A:9-406 Release of Collateral; Duties of Filing Officer; Fees.

(1) A secured party of record may by his *or her* signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of Section 9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer, ~~[he]~~ *the filing officer* shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. On and after ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, any release of a financing statement filed ~~[in a city or town or] prior to the certification date established pursuant to RSA 382-A:9-412(1)~~



(a) with the secretary of state under section ~~[401(a) or (c)]~~ 401(1)(c) of this Article, *as effective until the certification date established pursuant to RSA 382-A:9-412(1), [prior to July 1, 2001]* shall only be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state, *and shall reference the date and file number of the financing statement filed with the secretary of state;*

(b) *with the office of the clerk of a town under section 401(1)(a) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), shall only be filed according to RSA 382-A:9-412(3).*

(2) The uniform fee for filing and noting such a statement of release shall be in accordance with the fees established pursuant to RSA 478:17-g.

9 Uniform Commercial Code; Secured Transactions; Information From Filing Officer. Amend RSA 382-A:9-407(2) to read as follows:

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The fee for such a certificate shall be the sum of:

(a) \$5 if the request for the certificate is in the standard form prescribed by the secretary of state and otherwise \$7, plus

(b) A database search fee determined by the secretary of state pursuant to RSA 382-A:9-411(d) for any search or compilation of data in the centralized files maintained by the secretary of state.

In the case of certificates issued by the clerk of a city or town the fee charged under subparagraph (a) shall be retained by the city or town and the search fee under subparagraph (b) shall be transferred to the state treasurer to be administered in accord with RSA 293-A:1.37. The secretary of state may provide certificated and uncertificated search reports or compilations of data, charging database search fees to be determined by the secretary of state pursuant to RSA 382-A:9-411(d), and the resulting funds shall be administered in accordance with RSA 293-A:1.37. *Upon request, the filing officer shall furnish a photocopy of any filed financing statement or statement of assignment for a uniform fee of \$.75 per page.*

10 Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; Computerized Filing System; Date Changed. Amend RSA 382-A:9-411(b) to read as follows:

(b) The system shall, by ~~[July 1, 2001]~~ *the certification date established pursuant to RSA 382-A:9-412(1)*, permit filings to be made in electronic form from the clerk's office of any participating city or town.

11 New Section; Uniform Commercial Code; Secured Transactions, Sales of Accounts and Chattel Paper; Filing; Transition Provisions for Computerized Filing System. Amend RSA 382-A by inserting after section 9-411 the following new section:

382-A:9-412 Transition Provisions for Computerized Filing System.

(1) For purposes of this chapter, "certification date" shall mean either a date which shall be 3 months after the secretary of state certifies to the governor that the participating cities and towns are prepared to accept filings on behalf of the centralized filing system, or December 31, 2001, whichever occurs earlier.

(2) A financing statement filed prior to the certification date established pursuant to RSA 382-A:9-412(1), at the office of the clerk of the town under section 9-401(1)(c) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), shall no longer be effective as of the certification date established pursuant to RSA 382-A:9-412(1). The related financing statement filed at the office of the secretary of state shall remain effective until lapsed, terminated, or continued according to this Article.

(3) A financing statement filed prior to the certification date established pursuant to RSA 382-A:9-412(1), at the office of the clerk of the town under section 9-401(1)(a) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), shall remain effective until lapsed or terminated, subject to subsection (3).

(4) At such time on or after the certification date established pursuant to RSA 382-A:9-412(1), that an amendment, assignment, release of collateral, continuation, or termination is required to a financing statement filed prior to the certification date established pursuant to RSA 382-A:9-

412(1), at the office of the clerk of the town under section 9-401(1)(a) of this Article, as effective until the certification date established pursuant to RSA 382-A:9-412(1), in which the city or town does not participate in the centralized filing system administered by the secretary of state, a new financing statement shall be filed with the clerk of a city or town participating in the centralized filing system administered by the secretary of state before the financing statement would otherwise lapse. The new financing statement shall state, "This financing statement continues the financing statement dated \_\_\_\_\_, file number \_\_\_\_\_, filed in the town (city) of \_\_\_\_\_." A copy of the financing statement so referenced, including any amendments, releases, assignments, and continuations, shall be attached to the new financing statement. The new financing statement continues the effectiveness of the financing statement so referenced.

(5) Any new financing statement or amendment, continuation, termination, assignment, or release of collateral, filed on or after the certification date established pursuant to RSA 382-A:9-412(1), under section 9-401(1)(a) or section 9-401(1)(c) of this Article, as effective until the certification date pursuant to RSA 382-A:9-412(1), with the secretary of state or a clerk of a city or town not participating in the centralized filing system administered by the secretary of state shall not be effective.

12 Conveyances and Mortgages of Realty; Registers of Deeds; Fees; Date Changed. Amend RSA 478:17-g, IV to read as follows:

IV. Commencing ~~[July 1, 2001]~~ *on the certification date established pursuant to RSA 382-A:9-412(1)*, the secretary of state shall cease to accept filings of financing statements or amendments, assignments, releases, continuations, or terminations thereof (except for those pertaining to security interests in collateral of a transmitting utility). Commencing ~~[July 1, 2001]~~ *on the certification date established pursuant to RSA 382-A:9-412(1)*, the secretary of state shall also cease to accept filings of attachments of personal property under RSA 511 and RSA 511-A. All such filings shall be made through the office of the clerk of a city or town participating in the centralized filing system administered by the secretary of state under RSA 382-A:9-411. Clerks of those cities and towns participating in the centralized filing system administered by the secretary of state under RSA 382-A shall charge a single fee of \$30 for the first page of each filing under RSA 382-A and \$8 for each additional page, one half of which shall be held for the use of the state and transferred quarterly to the state treasurer.

13 Amendments to Place of Filing; Effective Date Changed. Amend 1998, 382:16, I to read as follows:

I. Sections 2 and 13 of this act shall take effect ~~[July 1, 2001]~~ *on the certification date established pursuant to RSA 382-A:9-412(1)*.

14 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the effective date of the computerized filing system for security interests under the Uniform Commercial Code from July 1, 2001 to a date which shall be 3 months after the secretary of state certifies to the governor that the participating cities and towns are prepared to accept filings on behalf of the centralized filing system, or December 31, 2001, whichever occurs earlier. This bill also establishes certain transition provisions for the filing system.

**SB 383**, requiring the department of health and human services and insurers to make prompt payments. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, requires payment from the department of health and human services within 45 days of the receipt of a clean claim. The bill also requires insurers to make payment within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. The amendment also provides an exception if the failure to make payment in a timely manner is caused by a directive from a federal, state, or court agency, or if the insurer is in liquidation or rehabilitation. Vote 17-0.

#### Amendment (4350h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Prompt Payment Required. Amend RSA 126-A by inserting after section 12 the following new section:

126-A:12-a Prompt Payment Required. The department shall pay health care providers, including dental providers, within 45 days of receipt of a clean claim for services rendered to medicaid recipients. For the purposes of this section "clean claim" means a claim for payment of covered health care expenses that is submitted to the department on the department's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the department's published filing requirements.

2 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 6-g the following new section:

415:6-h Prompt Payment Required.

I. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

3 New Section; Prompt Payment Required. Amend RSA 415 by inserting after section 18-j the following new section:

415:18-k Prompt Payment Required.



I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the insurer is denying or pending the claim, the insurer shall have 15 calendar days upon receipt of the claim to notify the health care provider or certificate holder of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The insurer's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to an insurer on the insurer's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the insurer's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the insurer.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the insurer in writing of the insurer's noncompliance with this section. If the insurer fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the insurer, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an insurer for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No insurer shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The insurer is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The insurer's compliance is rendered impossible due to matters beyond the insurer's control which are not caused by such insurer.

(b) No insurer shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No insurer shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any insurer or may suspend or revoke the license or certificate of authority of any insurer after determining that the insurer has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

4 New Section; Prompt Payment Required. Amend RSA 420-A by inserting after section 17-c the following new section:

420-A:17-d Prompt Payment Required.

I. Every health service corporation, and every other similar corporation licensed under the laws of another state that issues or renews any policy of individual or group blanket accident or health insurance providing benefits for medical or hospital expenses for its insured persons shall pay for services rendered by New Hampshire health care providers within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the health service corporation is denying or pending the claim, the corporation shall have 15 calendar days upon receipt of the claim to notify the health care provider or subscriber of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The corporation's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.



## II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health service corporation on the corporation's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the corporation's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the corporation.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the health service corporation in writing of the health service corporation's noncompliance with this section. If the health service corporation fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the health service corporation, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an health service corporation for payment of the claim.

## IV. Exceptions to the requirements of this section are as follows:

(a) No health service corporation shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The corporation is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The corporation's compliance is rendered impossible due to matters beyond the corporation's control which are not caused by such corporation.

(b) No health service corporation shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health service corporation shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review process.

V. The commissioner may assess an administrative fine against any health service corporation or may suspend or revoke the license or certificate of authority of any health service corporation after determining that the health service corporation has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

5 New Section; Prompt Payment Required. Amend RSA 420-J by inserting after section 8 the following new section:

### 420-J:8-a Prompt Payment Required.

I. Health carriers issuing health benefit plans subject to this chapter shall pay claims submitted by health care providers for services rendered in New Hampshire to covered persons within 45 calendar days upon receipt of a clean written claim or 15 calendar days upon receipt of a clean electronic claim. If the health carrier is denying or pending the claim, the carrier shall have 15 calendar days upon receipt of the claim to notify the health care provider or covered person of the reason for denying or pending the claim and what, if any, additional information is required to process the claim. The health carrier's failure to comply with the time limits in this section shall not have the effect of requiring coverage for an otherwise non-covered claim. This section shall only apply to payments made on a claims basis and shall not apply to capitation or other forms of periodic payment.

## II. In this section:

(a) "Clean claim" means a claim for payment of covered health care expenses that is submitted to a health carrier on the carrier's standard claim form using the most current published procedural codes, with all the required fields completed with correct and complete information in accordance with the carrier's published filing requirements.

(b) "Electronic claim" means the transmission of data for purposes of payment of covered health care services in an electronic data format specified by the health carrier.

III. Any claim not paid within the time periods specified in paragraph I shall be deemed overdue. When a claim is overdue, the health care provider may notify the health carrier in writing of the carrier's noncompliance with this section. If the health carrier fails to pay the claim within 10 days of receiving the notice, then:

(a) The amount of the overdue claim shall include an interest payment of 1.5 percent per month beginning from the date the payment was due; and

(b) The health care provider may recover from the carrier, upon a judicial finding of bad faith, reasonable attorney's fees for advising and representing a health care provider in a successful action against an carrier for payment of the claim.

IV. Exceptions to the requirements of this section are as follows:

(a) No health carrier shall be in violation of this section for a claim submitted by a health care provider if:

(1) Failure to comply is caused by a directive from a court or a federal or state agency;

(2) The health carrier is in liquidation or rehabilitation or is operating in compliance with a court-ordered plan of rehabilitation; or

(3) The carrier's compliance is rendered impossible due to matters beyond the carrier's control which are not caused by such carrier.

(b) No health carrier shall be in violation of this section for any claim submitted more than 90 days after the service was rendered.

(c) No health carrier shall be in violation of this section while the claim is pending due to a fraud investigation that has been reported to a state or federal agency, or an internal or external review determination pursuant to RSA 420-J:5, or RSA 420-J:5-a-e.

V. The commissioner may assess an administrative fine against any health carrier or may suspend or revoke the license or certificate of authority of any health carrier after determining that the health carrier has established a pattern of overdue payments and that the contemplated enforcement action would not promote the deterioration of the financial condition of an at-risk insurer. Such fine shall be up to \$5,000 per violation, not to exceed \$100,000.

6 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill requires the department of health and human services to pay its dental and other health care providers for services rendered to medicaid recipients promptly.

This bill also requires insurers offering health benefit plans to pay health care providers in a timely manner.

**SB 425-FN**, relative to the private activity bond limit. **INEXPEDIENT TO LEGISLATE**

Rep. Gene B. Marshall for Commerce: This bill proposed an ongoing formula for allocating the state ceiling on private activity bond capitalization among users, including provisions for future increases in the ceiling. Establishing a stable, predictable base level of support for higher education loan programs was of particular interest. The committee felt that a statutory allocation was too rigid, and the matter could better be settled by agreements among the parties. The parties succeeded in arriving at written agreements acceptable to all, making this bill unnecessary. Vote 16-0.

**SB 437-FN**, relative to retail selling. **INEXPEDIENT TO LEGISLATE**

Rep. Stephen G. Avery for Commerce: This bill would have negated a bill that the House passed just last year. The committee felt it should not be a burden for businesses to supply both a phone number and an address for people with complaints or other inquires to access. Vote 14-2.

**SB 302**, relative to certain employment requirements for liquor licensees. **OUGHT TO PASS WITH AMENDMENT**

Rep. Robert M. Fesh for Criminal Justice and Public Safety: This bill specifies that restrictions on liquor licensees relating to the employment of convicted felons apply only to the designation of persons to be in charge of the premises. This bill also establishes a limited time period (60 days) within which to obtain the necessary waiver for the designation as a person to be in charge of the premises if the licensee is to employ a convicted felon to sell, serve, or otherwise handle alcoholic beverages. It also establishes a fine for noncompliance. The liquor commission agreed to this bill as amended. The bill would take effect 30 days after passage. Vote 15-0.

### Amendment (4268h)

Amend RSA 179:23 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

*VI. Notwithstanding paragraph V, a licensee may employ a person convicted of a felony to sell, serve or otherwise handle alcoholic beverages in a non-managerial capacity for a period of*

*60 days without meeting the provisions of paragraph V. A convicted felon employed under this section shall not be allowed to work longer than 60 days without the licensee complying with the provisions of paragraph V. Any licensee knowingly employing a person convicted of a felony to serve alcoholic beverages longer than 60 days without obtaining a waiver under paragraph V shall be fined not more than \$50 per day for each day of employment beyond 60 days.*

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 30 days after passage.

### AMENDED ANALYSIS

This bill specifies that restrictions on liquor licensees relating to the employment of convicted felons apply only to the designation of persons to be in charge of the premises. The bill limits the amount of time that a licensee can employ a convicted felon prior to obtaining the necessary waiver. It also establishes a fine for noncompliance.

**SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking or sexual assault. **OUGHT TO PASS WITH AMENDMENT**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation makes it more difficult for a perpetrator to locate his or her victim in cases of domestic violence, stalking or sexual assault. They may use the address of the attorney general's office as their official address and he will forward their first class mail to them at their confidential address. Vote 15-0.

### Amendment (4324h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Address Confidentiality Program for Victims of Domestic Violence, Stalking, and Sexual Assault. Amend RSA 7 by inserting after section 40 the following new subdivision:

Address Confidentiality Program for Victims of Domestic Violence, Stalking, or Sexual Assault

7:41 Findings and Purpose. The legislature finds that persons attempting to escape from actual or threatened domestic violence, stalking, or sexual assault frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this program is to enable state and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking, or sexual assault, to enable interagency cooperation with the attorney general in providing address confidentiality for victims of domestic violence, stalking, or sexual assault, and to enable state and local agencies to accept a program participant's use of an address designated by the attorney general as a substitute mailing address.

7:42 Definitions. As used in this subdivision:

I. "Address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this subdivision.

II. "Program participant" means a person certified as a program participant under RSA 7:43.

III. "Domestic violence" means an act as defined in RSA 173-B and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

IV. "Sexual assault" means an act as defined in RSA 632-A.

V. "Stalking" means an act as defined in RSA 633:3-a.

7:43 Address Confidentiality Program.

I. An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply to the attorney general to have an address designated by the attorney general serve as the person's address or the address of the minor or incapacitated person. The attorney general shall approve an application if it is filed in the manner and on the form prescribed by the attorney general and if it contains:

(a) A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, or sexual assault; and that the applicant fears for his or her safety, or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made.

(b) A designation of the attorney general as agent for purposes of service of process and for the purpose of receipt of mail.



(c) The mailing address where the applicant can be contacted by the attorney general, and the phone number or numbers where the applicant can be called by the attorney general.

(d) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, stalking, or sexual assault; and

(e) The signature of the applicant and the date on which the applicant signed the application.

II. Applications shall be filed with the attorney general.

III. Upon filing a properly completed application, the attorney general shall certify the applicant as a program participant. Applicants shall be certified for 4 years following the date of filing unless the certification is withdrawn or invalidated before that date.

IV. A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, shall be guilty of a class B misdemeanor.

#### 7:44 Certification Cancellation.

I. If the program participant obtains a name change, he or she loses certification as a program participant and may immediately reapply for certification under their new name.

II. The attorney general may cancel a program participant's certification if there is a change in the residential address from the one listed on the application, unless the program participant provides the attorney general notice of the change of address within 7 days.

III. The attorney general may cancel certification of a program participant if mail forwarded by the secretary to the program participant's address is returned as nondeliverable.

IV. The attorney general shall cancel certification of a program participant who applies using false information.

#### 7:45 Agency Use of Designated Address.

I. A program participant may request the state and local agencies use the address designated by the attorney general as his or her address. When creating a new public record, state and local agencies shall accept the address designated by the attorney general as a program participant's substitute address, unless the attorney general had determined that:

(a) The agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential under this subdivision; and

(b) This address will be used only for those statutory and administrative purposes.

II. A program participant may use the address designated by the attorney general as his or her work address.

III. The attorney general shall forward all first class mail to the appropriate program participants.

#### 7:46 Voting by Program Participants.

I. A program participant who is otherwise qualified to vote may apply as a absentee voter. The program participant shall automatically receive absentee ballots for all elections in the jurisdictions for which that individual resides in the same manner as absentee voters pursuant to RSA 657:15. Notwithstanding RSA 654, neither the name nor the address of a program participant shall be included in any list of registered voters available to the public.

II. The city or town clerk shall not make the participant's address contained in voter registration records available for public inspection or copying except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; and

(b) If directed by a court order, to a person identified in the order.

7:47 Disclosure of Records Prohibited; Exceptions. The attorney general shall not make any records in a program participant's file available for inspection or copying, other than the address designated by the attorney general, except under the following circumstances:

I. If requested by a law enforcement agency, to the law enforcement agency.

II. If directed by a court order, to a person identified in the order.

III. If certification has been cancelled; or

IV. To verify the participation of a specific program participant, in which case the attorney general may only confirm participation in the program.

7:48 Assistance for Program Applicants. The attorney general shall refer participants to crisis centers that provide counseling and shelter services to either victims of domestic violence, stalking, or sexual assault to assist persons applying to be program participants.

2 Effective Date. This act shall take effect January 1, 2001.



## AMENDED ANALYSIS

This bill establishes in the office of the attorney general an address confidentiality program for victims of domestic violence, stalking, or sexual assault which would allow victims to establish the attorney general as their mailing address for purposes of requests for public records by state and local agencies, and for receiving service of process and regular mail.

**SB 444-FN**, relative to methadone maintenance treatment. **INEXPEDIENT TO LEGISLATE**  
Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The committee received two methadone maintenance bills at the same time, SB 444-FN and SB 445-FN. The decision was made to combine the material from both into SB 445-FN, and therefore, this bill was no longer needed. Vote 14-0.

**SB 470**, relative to the administrative authority of the board of trustees for the regional community-technical colleges. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Warren C. Henderson for Education: As amended, SB 470 directs the Commission on the status of community-technical education to examine the feasibility of allowing the regional community-technical college board of trustees to appoint and fix the compensation of the college presidents, as part of their existing study. That report is due by November 1, 2000. The committee supports the goals and the work of the community-technical college system and believes that this measure will assure that the subject of compensation for the community-technical college presidents is addressed within the context of other issues related to the system. Vote 12-0.

**Amendment (4409h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the duties of the commission on the status of community-technical education.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission on the Status of Community-Technical Education; Duties Expanded. Amend 1998, 272:37, II to read as follows:

II. The areas of study shall include, but are not limited to:

(a) The classified state employee classification series.

(b) The rights and benefits provided to all faculty and staff of the New Hampshire regional community-technical colleges including wages, insurance, pension, personnel rules, and bargaining rights.

(c) *The feasibility of allowing the regional community-technical college board of trustees to appoint and fix the compensation of the presidents of the regional community-technical college system.*

(d) Any other area of inquiry that the commission deems relevant or necessary to its main purpose.

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill expands the duties of the commission on the status of community-technical education established in 1998, 272 to include studying the feasibility of allowing the regional community-technical college board of trustees to appoint and fix the compensation of the presidents of the regional community-technical colleges.

**HB 1369-FN-L**, clarifying authority to regulate asbestos. **OUGHT TO PASS WITH AMENDMENT**  
Rep. Robert S. Mercer for Executive Departments and Administration: This bill was referred to the Executive Departments and Administration Committee to review the rulemaking provisions. The committee amended the bill to clarify certain authority given to the Commissioner of Health and Human Services and the Commissioner of Environmental Services to regulate asbestos licensing and disposal sites. No changes were made that would compromise the state's authority to run the federal program. No changes were made regarding the policy established by the House Environment and Agriculture Committee. Vote 16-0.

**Amendment (4349h)**

Amend RSA 141-E:1, IV and V as inserted by section 1 of the bill by replacing it with the following:

IV. Relative to asbestos abatement activities, as defined by RSA 141-E:2, II, it shall be the responsibility of the department of health and human services, in consultation with the commissioner of environmental services, to carry out this policy in accordance with RSA 141-E:3, I and RSA 141-E:6-11, and in such a manner as to avoid direct conflict with other state and federal requirements.

V. Relative to management of asbestos disposal sites, as defined by RSA 141-E:2, III, it shall be the responsibility of the department of environmental services, in consultation with the department of health and human services, to carry out this policy in accordance with RSA 141-E:3, II and RSA 141-E:21-25, in lieu of RSA 149-M as previously carried out, and in such a manner as to avoid direct conflict with other state and federal requirements.

Amend RSA 141-E:4, I(1) as inserted by section 1 of the bill by replacing it with the following:

(1) Procedures for exemption and waiver from the requirements of RSA 141-E:10 and RSA 141-E:11.

Amend RSA 141-E:5, I and II as inserted by section 1 of the bill by replacing it with the following:

I. The governor or the governor's designee;

II. The attorney general or the attorney general's designee;

Amend RSA 141-E:10, I as inserted by section 1 of the bill by replacing it with the following:

I. Any contractor, employer, or individual which engages in asbestos abatement activities or activities involving the disturbance of asbestos at asbestos disposal sites shall first obtain a license from the department, except for:

(a) Individuals exempt pursuant to paragraph II below;

(b) Individuals exempt by rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(1);

(c) Owners of single family owner occupied properties who personally perform asbestos abatement within the confines of their private properties; and

(d) Individuals who obtain a waiver from the licensing requirements of this section.

Amend RSA 141-E:10, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The license or a certified copy thereof shall be available at the worksite for inspection by representatives of the department, the commissioner of environmental services, or an authorized representative of the local government.

Amend RSA 141-E:11, I as inserted by section 1 of the bill by replacing it with the following:

I. Employees and other individuals who engage in asbestos abatement, school asbestos abatement planning, or disturbance of asbestos at any asbestos disposal site shall first obtain a certificate of training from the department, except for:

(a) Individuals exempt pursuant to rules adopted by the commissioner of health and human services in accordance with RSA 141-E:4, I(1);

(b) Owners of single family owner occupied properties who personally perform asbestos abatement within the confines of their private properties; and

(c) Individuals who obtain a waiver from the certification requirements of this section.

Amend RSA 141-E:11, III as inserted by section 1 of the bill by replacing it with the following:

III. The certificate or a certified copy thereof shall be readily available at the worksite for inspection by the representatives of the department, the commissioner of environmental services, or an authorized representative of the local government.

Amend RSA 141-E:13, II as inserted by section 1 of the bill by replacing it with the following:

II. If the property owner refuses to consent to the inspection, the commissioner of health and human services or the commissioner of environmental services may obtain an administrative inspection warrant under RSA 595-B.

III. Any information, other than asbestos contamination or exposure data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection shall not be disclosed by any representative of the department of health and human services or commissioner of environmental services without permission of the person whose worksite is inspected.

Amend RSA 141-E:14, II as inserted by section 1 of the bill by replacing it with the following:

II. Whenever the commissioner of environmental services has reason to believe that any provision of RSA 141-E:9 or any rule adopted by the commissioner of environmental services under this chapter has been violated, the commissioner of environmental services shall issue a notice of violation and an order of abatement. The commissioner of environmental services may request the attorney general to bring a civil action in superior court for appropriate relief, including a tempo-

rary or permanent injunction or both, to enforce any provision of RSA 141-E:9 or any rule adopted by him or her under this chapter, or any order issued by him or her pursuant to this chapter.

Amend RSA 141-E:15, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding RSA 651:2, any person found guilty pursuant to paragraph I above may, in addition to any sentence of imprisonment, probation, or conditional discharge, be fined not more than \$25,000. Each day of violation shall constitute a separate offense.

Amend RSA 141-E:19 as inserted by section 1 of the bill by replacing it with the following:

141-E:19 Discharge of or Discrimination Against Employees. Pursuant to RSA 275-E, no employer shall discharge or cause to be discharged or otherwise discipline or in any manner discriminate against any employee, prospective employee, or employee representative because that person has filed any complaint or has instituted or caused to be instituted any proceeding related to the provisions of this chapter.

Amend RSA 141-E:21 as inserted by section 1 of the bill by replacing it with the following:

141-E:21 Release Prohibited; Asbestos Waste Sites.

I. No person shall cause or allow asbestos fibers to be released to the environment from an asbestos disposal site.

II. A site owner who has complied with the disclosure requirements in RSA 141-E:23 shall not be subject to penalties under this chapter due to a release caused by any person to whom disclosure was provided in accordance with RSA 141-E:23, III, provided that the owner takes steps to prevent further release of asbestos fibers.

III. A site owner who causes a release because the existence of asbestos on the property was unknown prior to causing the release, shall not be subject to penalties under this chapter, provided that the owner reports the situation to the department of environmental services upon discovery and takes steps to prevent further release of asbestos fibers.

### AMENDED ANALYSIS

This bill clarifies the authority of the department of environmental services to regulate asbestos disposal sites in a manner consistent with federal law. This bill authorizes the department of health and human services to expand its asbestos licensing program to include persons who disturb asbestos waste at asbestos disposal sites. This bill authorizes the department of environmental services to consult with local officials to determine an effective means to implement best management practices for those properties where asbestos waste materials were disposed of in substantial quantity in the past. This bill also provides that a site owner who complies with disclosure requirements or who did not know of the existence of asbestos on the property prior to release and subsequently reports the situation, and takes steps to prevent further release of asbestos, shall not be subject to penalties under RSA 141-E.

This bill is a request of the department of environmental services.

**SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alida I. Millham for Executive Departments and Administration: The New Hampshire Real Estate Practice Act regulates the practice of real estate brokers and salespersons. This bill makes revisions in the act that are mostly clarifying and editorial in nature. Also included is a process for appointing and swearing in alternate members to ensure a quorum for hearings; a requirement of 60 hours of approved study as a qualification for licensure; and revising the law regarding prohibited conduct about paying commissions to unlicensed persons. Vote 16-0.

### Amendment (4235h)

Amend the bill by replacing sections 3 and 4 with the following:

3 Commission Members; Alternates. Amend RSA 331-A:5, VIII to read as follows:

VIII. The commission shall hold at least 4 regular meetings each year. A simple majority of the commission members currently serving shall constitute a quorum of the commission. *Whenever a quorum of commission members is unable to hear a particular case, the commission may appoint one or more former commission members as alternates to hear that case, starting with the most recent member to leave the commission and proceeding in reverse chronological order of former members. Alternates shall be appointed and sworn in on a case-by-case basis only, and shall receive compensation as provided for members under RSA 331-A:5, VI.*



4 Qualifications for Licensure. Amend RSA 331-A:10 to read as follows:

331-A:10 Qualifications For Licensure. The executive director shall issue a license to any applicant who:

I. Has attained the age of [majority] 18, *if a salesperson applicant*.

II. Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The executive director shall only accept for registration to take the examination for a broker's license, an applicant who:

(a) Has been employed full time by an active broker for at least one year; or

(b) Has at least 2,000 part-time hours as a licensed salesperson in this state; or

(c) Proves to the commission that the applicant has experience equivalent to the experience required by subparagraph (a) or (b).

III. *Shows proof of completion of 60 hours of approved study.*

IV. Demonstrates no record of unprofessional conduct.

[FV]V. Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness and integrity.

[V]VI. For [an individual] a broker [license including] *acting as a principal broker or a managing broker, but excluding associate brokers or a corporation, partnership, limited liability company, or association, files a surety bond with the commission which shall be held in accordance with RSA [331-A:13] 331-A:14.*

Amend the bill by replacing section 19 with the following:

19 Prohibited Conduct; Consideration Shared with Out-of-State Brokers. Amend RSA 331-A:26, XXIV to read as follows:

XXIV. Paying or offering to pay valuable consideration, as defined by the commission, to any person not licensed under this chapter [~~or not a member of an exempted class under RSA 331-A~~], except that valuable consideration may be shared with a licensed broker of another jurisdiction who is doing business regularly and legally within that broker's own jurisdiction. *No licensee shall knowingly pay a commission or other valuable consideration to a licensed person knowing that the licensee will in turn pay a portion or all of that which is received to a person who does not hold a valid real estate license. A licensee who has allowed his or her license to expire or who has changed to inactive status or who has transferred to another responsible broker may receive compensation from the previous responsible broker for transactions in which the person participated during the time that the licensee was under the supervision of that responsible broker.* Amend the bill by deleting sections 5-6 and renumbering the original sections 7-24 to read as 5-22, respectively.

Amend the bill by replacing section 22 with the following:

22 Effective Date. This act shall take effect January 1, 2001.

**SB 326**, relative to the joint health council. OUGHT TO PASS WITH AMENDMENT

Rep. Alida I. Millham for Executive Departments and Administration: The amendment replaces the entire bill. It provides for the appointment to membership of the joint health council by staggering terms. This includes the appointment of two newly added council members. The committee agreed that without the amendment, too much institutional memory could be lost. Vote 15-0.

#### Amendment (4347h)

Amend the bill by replacing all after the enacting clause with the following:

1 Joint Health Council; Terms. Upon the enactment of HB 1410 of the 2000 legislative session into law, members of the joint health council serving on the council as of the effective date of that act shall complete their existing terms of appointment. Upon expiration of those terms, members shall be appointed pursuant to RSA 326-B:10-a, I(a).

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill allows current members of the joint health council to serve out the duration of their terms of appointment, notwithstanding the passage of HB 1410 of the 2000 legislative session.

**SB 328**, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision. OUGHT TO PASS WITH AMENDMENT



Rep. Robert S. Mercer for Executive Departments and Administration: This bill was referred to the Executive Departments and Administration Committee to review the rulemaking provisions. The committee amended the bill to change the procedure for adopting rules relating to the regulation of marine species. The amendment allows the executive director of the Fish and Game Department to promulgate rules with the approval of the Fish and Game Commission and upon the advice and cooperation of the advisory committee on shore fisheries. This continues the present practice and maintains the sportsmen's voice on these matters. Vote 15-0.

#### **Amendment (4237h)**

Amend the title of the bill by replacing it with the following:

AN ACT making corrections to statutory references in certain fish and game laws.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

#### **AMENDED ANALYSIS**

This bill corrects certain references to licensing provisions in the fish and game laws.

**SB 446**, relative to the integration of information technology at the state, county and municipal levels. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sylvia A. Holley for Executive Departments and Administration: This bill clarifies the process for developing information technology plans and modifies the membership of the New Hampshire Council on Applied Technology and Innovation. The amendment defines the term "stakeholder". Vote 16-0.

#### **Amendment (4209h)**

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as section 7:

6 Definition of Stakeholder. Amend RSA 9:1 to read as follows:

9:1 Terms Used. In this chapter, the term "department" or "establishment" means any executive department, commission, board, institution, bureau, office, or other agency of the state government, by whatever name called, other than the legislature and the state judicial branch, that uses, expends or receives any state funds; the term "state funds" means any and all moneys appropriated by the legislature, or money collected by or for the state, or any agency thereof, pursuant to authority granted in any of its laws; the term "budget" means the budget document by this chapter required to be transmitted to the legislature[-]; *the term "stakeholder" means a person and/or group which can affect or is affected by the development, design, and/or development of information technology systems.*

**SB 461**, establishing a committee to study the creation of a flag to honor all police departments in the state. **INEXPEDIENT TO LEGISLATE**

Rep. David G. Poulin for Executive Departments and Administration: The majority of the committee does not feel that a study committee is needed or appropriate to design a flag that honors police departments. The majority believes that the appropriate design for such a flag would best be created by the members of law enforcement agencies themselves. No need exists for legislature involvement in this matter except to approve the final design, which represents all police departments in the state. The majority is not opposed to creation of a flag but does not see the need for a study committee. Vote 15-0.

**HB 1469**, relative to the organization of the juvenile justice system in New Hampshire and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: The amendment to this bill is supported by both the Finance and Children and Family Law (CFL) committees. The chair and several CFL committee members participated in Division III's executive sessions concerning HB 1469, and other key House members particularly interested in the subject matter of the bill were consulted and agreed to the amendment. As amended, the bill accomplishes two important tasks. First, it creates an advisory board to review the activities of the Department of Youth Development Services and to make recommendations about program and other matters to the administration of DYDS as well as to the Governor, President of the Senate and Speaker of the House. It is the committee's hope that the work of the board will result in increased accountability, improved services for juveniles under the jurisdiction of DYDS, and better fiscal management. Secondly, the bill, as amended, changes the job title of

those DHHS employees who work directly with Children in Need of Services (CHINS) and delinquents from "Juvenile Services Officers" to "Juvenile Probation and Parole Officers". The legislation makes clear that the change in title does not reflect any change in job responsibilities and will not result in eligibility for Group II retirement, the law enforcement salary schedule, or for certification and training at the Police Standards and Training Council, except as otherwise provided by statute. The name change is supported by the department and the JSOs, the latter having advocated for this change for many years. Vote 24-0.

#### **Amendment (4482h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers.

Amend the bill by replacing all after the enacting clause with the following:

I Statement of Purpose. The general court hereby states that the change from "juvenile services officer" to "juvenile probation and parole officer" in this act is intended simply to change the job title and does not reflect a change in job responsibilities. It is the specific intent of the general court that juvenile probation and parole officers shall not be eligible for group II retirement benefits within the New Hampshire retirement system, for participation in the law enforcement salary schedule, or for certification or training from the police standards and training council, except as provided in RSA 188-F:32.

2 New Subdivision; Department of Youth Development Services; Advisory Board Established. Amend RSA 621-A by inserting after section 8 the following new subdivision:  
Advisory Board

621-A:9 Department of Youth Development Services Advisory Board Established; Membership.

I. There is hereby established a department of youth development services advisory board. The board shall act in an advisory capacity and make recommendations to the commissioner relative to programs and services provided to children referred to the department pursuant to RSA 169-B.

II. The board shall be composed of the following members:

(a) Two members from the house of representatives, one of whom shall be a member of the house finance committee, appointed by the speaker of the house.

(b) One member from the senate, appointed by the president of the senate.

(c) The commissioner of the department of youth development services or designee, who shall serve as an ex officio member.

(d) The commissioner of the department of health and human services or designee, who shall serve as an ex officio member.

(e) The commissioner of the department of education or designee, who shall serve as an ex officio member.

(f) One district or family court judge, appointed by the administrative justice of the district courts.

(g) Two human services administrators, one from an urban county and one from a rural county, appointed by the executive director or other appropriate appointing authority of the New Hampshire Association of Counties.

(h) Six members, appointed by the governor with the advice and consent of the council, which shall include 2 members representing the interests of business and industry, 2 parents of children who are receiving or have received services from the department, one member of state or local law enforcement, and one member from the general public.

III. Members of the advisory board shall serve without compensation provided that legislative members shall receive mileage at the legislative rate while attending to the duties of the board.

621-A:10 Terms of Office; Organization.

I. The legislative members and the members listed in RSA 621-A:9, II(c) – (f) shall serve terms which are coterminous with their terms in office. The members listed in RSA 621-A:12, II(g) shall serve for 3 years. Three of the members listed in RSA 621-A:9, II(h) shall serve for 4 years, and 3 members shall serve for 3 years.

II. Each appointed member of the advisory board shall hold office until a successor is appointed and qualified. The appointment of successors for the filling of vacancies for unexpired terms shall be by appointment in the same manner as the original appointment.

III. The advisory board shall elect its own chairperson and officers annually. The board shall meet monthly, or as deemed necessary, provided that the board shall meet at least once every 3 months.

#### 621-A:11 Duties of the Advisory Board.

I. The advisory board shall act in an advisory capacity to assist the commissioner of the department of youth development services relative to programs and services provided to children who are referred to the department. The board may also provide advice and input on fiscal and budgetary matters within the department, the availability of state and federal grants, business partnerships, and other funding sources available to the department.

II. Beginning in December 2000, and annually thereafter, the board shall submit a written report to the speaker of the house, the president of the senate, and the governor detailing the activities of the board and any recommendations made by the board to the department.

3 New Hampshire Retirement System; Definitions; Juvenile Probation, and Parole Officers Excluded from Group II Membership. Amend RSA 100-A:1, VII-a (b) to read as follows:

(b) Any bingo or lucky 7 inspector, security officer appointed pursuant to RSA 135:41, *any juvenile probation and parole officer*, or any person employed in the bureau of trails of the department of resources and economic development; or

4 Youth Development Center; Definitions; Juvenile Probation and Parole Officer Inserted. Amend RSA 621:3, VIII to read as follows:

VIII. "Parole" means a conditional release from the center which allows the child to serve the remainder of his or her commitment outside the center, supervised by a juvenile *probation and parole officer*, contingent upon satisfactory compliance with the terms and conditions set forth in the parole agreement.

5 Reference Changes. Amend the following RSA provisions by replacing "juvenile services officer" with "juvenile probation and parole officer": RSA 169-B:2, VIII(c); 169-B:9, I; 169-B:9-a; 169-B:10, II; 169-B:19, I(j) the unnumbered concluding paragraph of 169-B:24; 169-B:25; 169-B:30; 169-C:3, XXIV; 169-C:6, I-III; 169-C:34, IV; 169-D:8, II; 169-D:9, I; 169-D:9-a; and 170-G:1, VI.

6 Reference Changes. Amend the following RSA provisions by replacing "juvenile service officers" with "juvenile probation and parole officers": RSA 169-B:35, II; 169-D:2, VI(c); 169-D:25, II; 170-G:3, III; 170-G:4, II-a; 170-G:15; and 170-G:16.

7 Effective Date. This act shall take effect July 1, 2000.

### AMENDED ANALYSIS

This bill establishes a department of youth development services advisory board for the purpose of making recommendations to the commissioner relative to programs and services provided to children referred to the department. The bill also changes the title of "juvenile services officer" to "juvenile probation and parole officer."

**SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: This bill allows the State of New Hampshire to join forty other states in promoting volunteerism among state employees. It allows a certified disaster relief services volunteer, employed by the state, to take up to fifteen working days a year of paid leave if requested for service by the American Red Cross. The leave must be approved by the employee's supervisor and would only be granted if there were no additional financial burdens caused by the employee's leave. There are currently only three state employees certified by the Red Cross as a "disaster relief volunteer." The amendment clarifies the intent of the sponsor of the bill and the ED&A Committee that the leave is intended to cover requests for assistance anywhere within the United States and not restricted to service only in New Hampshire.

Training and expenses for participating employees are provided by the American Red Cross. Vote 25-0.

### Amendment (4264h)

Amend paragraph I of section 1 of the bill by replacing it with the following:

I. Disaster leave for state employees will increase the number of local, trained, and experienced disaster workers. Training and expenses for participating employees are provided by the American Red Cross at no cost to the state or to the volunteers and leave days for employees are



limited and require approval from their supervisor to assure orderly granting of requests based on competing demands. Experience on disaster assignments is an opportunity for state employees to learn new skills and gain supervisory experience that will benefit them personally, their agencies, and the citizens they serve. Their experience and training will make them ready to immediately serve when a disaster event occurs.

**SB 318-FN**, relative to proposed joint maintenance agreements. **OUGHT TO PASS**

Rep. Norman L. Major for Finance: This bill is the product of a study committee and enables school districts to utilize joint maintenance agreements and to issue bonds and be eligible for school building aid grants. It also amends existing legislation by repealing a specific existing joint maintenance agreement that was never consummated. This bill provides a process for school districts to combine for the purposes of building and maintaining a high school or other public school. The LBAO is unable to estimate the fiscal impact of this bill because the school districts that would enter into a joint maintenance agreement are unknown; the effect on local expenditures as a result of a joint maintenance agreement is not known; the cost of building and maintaining a school may be more or less costly than the existing tuition contracts; and the increase in the amount the state will pay for building aid as a result of joint maintenance agreements cannot be estimated. Despite this uncertainty it is believed the fiscal impact will not be significant. Vote 22-1.

**SB 324**, relative to personal care services and providers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Francine Wendelboe for Finance: This bill allows certain individuals eligible under Medicaid to receive home care services the option of receiving personal care services, including consumer-directed services, from a home health agency or other qualified agency. This option would increase consumer choice, provide improved services and availability of caregivers and potentially reduce costs. There was strong policy support during the hearing. The Department of Health and Human Services gave strong assurances that this would neither expand eligibility nor increase costs. Finance amended the bill to include periodic fiscal and quality-based reports on the results of this option. The definition of eligible consumer was also clarified. Vote 24-0.

**Amendment (4479h)**

Amend RSA 161-I:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Eligible consumer" means a child with special health care needs eligible for in-home supports or a person eligible for the home and community-based care waiver for the elderly and chronically ill.

Amend RSA 161-I:4 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. Beginning September 2000, the department shall provide a quarterly report to the governor, the president of the senate, and the speaker of the house of representatives relative to the number of clients served and expenditures under the home and community-based care waiver for the elderly and chronically ill, and beginning in December 2000 an annual report on such qualitative measures on the care delivered as the department deems appropriate.

**AMENDED ANALYSIS**

This bill allows certain individuals and families of these individuals the option of receiving personal care services, including consumer-directed services, from a home health agency or other qualified agency. This bill gives the commissioner of health and human services rulemaking authority relative to requirements for the use of consumer-directed services for department programs and the provision of personal care services. This bill also requires the department of health and human services to provide a quarterly report relative to the number of clients served and expenditures under the home and community-based care waiver for the elderly and chronically ill, and an annual report on qualitative measures on the care delivered as the department deems appropriate.

**SB 389-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. **OUGHT TO PASS**

Rep. Joseph E. Stone for Finance: This bill updates the year of eligibility of active and retired group II members for the payment of medical benefits costs by the New Hampshire retirement system. The system indicates this bill extends group II medical benefits to policemen and firemen who became members of the retirement system prior to July 1, 1997 and group II employees who be-



came members between July 1, 1997 and July 1, 2000, and subsequently become disabled at any time in the future. The current provisions under RSA 100-A:55 limit this benefit to only those who became members of the system before July 1, 1995. There will be no fiscal impact on state, county and local revenues or expenditures according to the New Hampshire retirement system. Vote 22-1.

**SB 392-FN**, relative to the use of nonlapsed funds by the regional community-technical colleges. **OUGHT TO PASS**

Rep. Linda T. Foster for Finance: This bill gives the community technical colleges needed flexibility to respond to emergency expenditures without resorting to raising tuition costs. Presently, the community technical colleges can use lapsed funds only for establishing or enhancing academic offerings. In other state agencies, lapses are deposited in a salary adjustment account. The technical colleges currently budget and pay for these adjustments from revenue. Under this bill they will continue that practice. Moreover, the case for determining an "emergency" would still be made before the commissioner, the board of trustees, the fiscal committee and the governor and council. Vote 25-0.

**SB 399-FN-A**, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. **REFER FOR INTERIM STUDY**

Rep. Dennis F. Abbott for Finance: This bill, as passed by the Senate, appropriates the sum of one dollar for establishing a game damage fund. Obviously this amount will not accomplish the intended result. Also, the bill does not address the necessary details needed to establish such a program. For example, who will administer the program and funds, who will be eligible to participate, what crops will be considered in the program and how much funding would be required? But the most important question will be whether or not the legislature wishes to expend general funds for such purposes. Presently the Fish and Game Department is beginning a major fencing program required by the passage of HB 704 earlier this year and it would be prudent to monitor the results of that program as it relates to the crop damage issue. It would be in the best interest to at least establish a direction for further legislation if deemed appropriate by the legislature so it is recommended that this bill be referred to study. Vote 23-1.

**SB 415-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Margaret A. Lynch for Finance: This bill provides for the payment of the cost of group health insurance for eligible retired political subdivision employees. The cost of this benefit has no fiscal impact on the general fund. The bill is terminally funded from the special account. The cost figures have been adjusted to reflect the actual cost of the terminal funding and the amendment reflects the correct figures (\$36,384,000 from the group I employee special account and \$16,781,000 from the group I teacher special account). Vote 21-1.

#### **Amendment (4270h)**

Amend the bill by replacing section 8 with the following:

##### **8 Funding.**

I. The sum of \$36,384,000 is hereby transferred from the group I employee special account balance existing on June 30, 2000 for the purpose of funding RSA 100-A:52-a and RSA 100-A:53-c as inserted by this act.

II. The sum of \$16,781,000 is hereby transferred from the group I teacher special account balance existing on June 30, 2000 for the purpose of funding RSA 100-A:52-a as inserted by this act.

**SB 422-FN**, relative to the housing security guarantee loan program. **OUGHT TO PASS WITH AMENDMENT**

Rep. Marjorie K. Smith for Finance: This bill clarifies the process of securing funding for the Department of Health and Human Services housing security guarantee loan program and establishes reporting requirements. Vote 23-0.

#### **Amendment (4352h)**

Amend the bill by replacing all after section 1 with the following:

2 Definitions; Guarantee Certificates. Amend RSA 126-A:52, II to read as follows:

II. "Guarantee certificate" means a document issued under this subdivision ~~[that pledges the full faith and credit of the state of New Hampshire]~~ for the payment of the security deposit it guarantees.

3 Allocation of the Housing Security Guarantee Program. Amend RSA 126-A:53, I to read as follows:

I. Upon application from a local housing security provider in such form as the department may require, the department may allocate and commit itself to issue, and the local housing security provider may be authorized to process applications and provide the ancillary services connected with the issuance of, guarantee certificates for the purposes of this subdivision. In no event shall the aggregate guarantee amounts allocated by the department to all local housing security providers exceed ~~[\$1,000,000]~~ \$2,000,000. The department shall allocate the aggregate guarantee certificate capacity authorized by this section in a manner which takes into account both housing needs and geographic diversity.

4 New Paragraph; Funding; Housing Security Guarantee Program. Amend RSA 126-A:53 by inserting after paragraph I the following new paragraph:

I-a. The department shall make payments either directly to the landlord or through the local housing security provider to the extent of the state's obligation under the terms of the guarantee certificates. The department shall be subrogated to the landlord's right title and interest in any amounts received pursuant to the lease or rental agreement. At the end of each fiscal year, the state treasurer shall reimburse the department for these amounts from funds not otherwise appropriated. The governor is hereby authorized to draw a warrant from funds not otherwise appropriated for the purposes of this subdivision.

5 New Paragraph; Reporting Requirements. Amend RSA 126-A:53 by inserting after paragraph II the following new paragraph:

III. The department shall make a report on or before December 1 of each year to the speaker of the house of representatives, the president of the senate, and the governor and council on the usage of the program and the success of its participants.

6 Periodic Payment Requirement. Amend RSA 126-A:56 to read as follows:

126-A:56 Periodic Payment Requirement. Beginning with the first month of tenancy and each month thereafter, a qualified tenant participating in this program shall make a monthly payment to the department of a fractional amount of the qualifying security deposit amount, which amount is determined by and adjustable with the approval of the local housing security provider. Notice of all adjustments to required payment amounts shall be forwarded to the department by the local housing security provider. The payments shall be made until the full amount of the security deposit guarantee has been received by the department. ~~[Amounts received by the department shall be held in a fund, known as the security deposit fund, established in RSA 126-A:62 for this purpose.]~~ In no event shall a qualified tenant's failure to make the periodic payments required by this section create a default under any lease or rental agreement for a subject housing unit. All amounts received by the department pursuant to RSA 126-A:56 shall not be a "security deposit" as defined by RSA 540-A:5, II.

7 Tenant's Right to Refund. Amend RSA 126-A:58 to read as follows:

126-A:58 Tenant's Right to Refund. In the event a tenancy is terminated before all periodic payments have been made to the department and no claim for redemption is brought by the landlord within the period specified, a qualified tenant may claim a refund of all payments made by the tenant and a cancellation of the tenant's written agreement to make any additional payments. The claims shall be brought by tenants within one year from the date of the termination of the tenancy. ~~[All payment amounts unclaimed at the end of the one-year period shall be held in a fund established in RSA 126-A:62 for the purpose of making payments upon redemption of guarantee certificates.]~~

8 Repeal. The following are repealed:

I. RSA 6:12, I(ggg), relative to the nonlapsing security deposit fund.

II. RSA 126-A:60, relative to guarantees of credit.

III. RSA 126-A:62, relative to the establishment of the nonlapsing security deposit fund.

9 Effective Date. This act shall take effect July 1, 2000.

#### AMENDED ANALYSIS

This bill clarifies the process of securing funding for the department of health and human services' housing security guarantee loan program, and repeals certain references to the nonlapsing security deposit fund.

**SB 428-FN-A**, relative to the development of certain public health initiatives and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. William S. Belvin for Finance: This bill, as originally drafted and passed by the Senate, concerns the funding of the Health Care Fund used to financially support grants to local health agencies and organizations. These programs usually have been quite successful. However, by agreement with the Department of Health and Human Services and the Senate prime sponsor, the amendment removes sections 1 through 3 on purpose, a million dollar appropriation, and a reporting requirement. The remaining two sections in the original bill, continually appropriating Health Care Fund earnings to the fund, and maintaining the July 1, 2000 effective date, now constitute the entire bill. This approach accomplishes much of the original intent while recognizing the state's current fiscal circumstances. Vote 25-0.

#### **Amendment (4271h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the health care fund.

Amend the bill by deleting sections 1-3 and renumbering the original sections 4 and 5 to read as sections 1 and 2, respectively.

#### **AMENDED ANALYSIS**

This bill authorizes interest earnings from the health care fund to be continually appropriated to the department of health and human services.

**SB 432-FN-A**, relative to state assistance for teachers applying for national board certification. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance: The chairman of the Education Committee and the bill's prime sponsor deemed the bill unnecessary. Although both wholeheartedly support teachers pursuing national professional teaching certification, thereby becoming master teachers, sufficient funding exists within the Department of Education for implementing the intent and purposes of the bill. Vote 20-4.

**SB 448**, establishing a guardians ad litem board. OUGHT TO PASS WITH AMENDMENT

Rep. Susan W. Almy for Finance: This bill came to Finance without funding or administrative attachment, but will have difficulty achieving its purpose without both. The Judicial Council agreed to give the new board a home and advocate for it, and we have transferred the never-used appropriation of \$10,000 per annum for guardian ad litem regulation from the Judicial Branch's budget to fund the start-up of this new board, which will fulfill the same functions as the original budget line. Vote 21-3.

#### **Amendment (4304h)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a guardian ad litem board.

Amend RSA 463:33 as inserted by section 1 of the bill by replacing it with the following:

463:33 Board Established. There is hereby established a guardian ad litem board which shall be responsible for overseeing the credentialing, activities, and discipline for guardians ad litem appointed in New Hampshire.

Amend section 1 of the bill by inserting after RSA 463:37 the following new RSA section:

463:38 Administrative Attachment. The board shall be administratively attached to the judicial council.

Amend the bill by replacing all after section 1 with the following:

2 Judicial Branch; Statewide Expenditures Adjusted. Amend 1999, 159:1.02, 01, 05 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
96 GAL regulation & admin	10,000	10,000
Strike out:		
Total	9,174,592	9,216,808
Estimated source of funds for statewide expenditures		
General Fund	9,174,592	9,216,808
Total	9,174,592	9,216,808



Insert in place thereof:

Total	9,164,592	9,206,808
Estimated source of funds for statewide expenditure		
General fund	9,164,592	9,206,808
Total	9,164,592	9,206,808

3 Judicial Council Guardian ad Litem Board Startup. Amend 1999, 159:1 by inserting the following new PAU:

02 Admin of Justice & Public Prin

18 Judicial Council

01 Judicial Council

96 Guardian ad litem board startup F\* 10,000 10,000

\* Expenditures may include, but are not limited to, equipment and part-time personnel services.

4 Judicial Council; Totals Adjusted. Amend 1999, 159:1.02, 18, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	13,912,563	14,322,764
Estimated source of funds for judicial council		
09 Agency income	240,000	240,000
General fund	13,672,563	14,082,764
Total	13,912,563	14,322,764

Insert in place thereof:

Total	13,922,563	14,332,764
Estimated source of funds for judicial council		
09 Agency income	240,000	240,000
General fund	13,682,563	14,092,764
Total	13,922,563	14,332,764

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a guardian ad litem board responsible for the training, licensing, discipline, and other activities of guardians ad litem in New Hampshire and also provides that the board shall be administratively attached to the judicial council. The bill also provides \$10,000 in startup costs to the board.

This bill is a request of the study committee established in 1999, 30 (SB 130).

**SB 450-FN**, prohibiting the importation of tobacco products that violate federal law. OUGHT TO PASS WITH AMENDMENT

Rep. Charles L. Vaughn for Finance: This bill prohibits the importation of tobacco products that violate federal law. The legislation protects revenues to which the state is entitled under the Master Settlement Agreement, at the same time contributing to public health and safety. Amendments were added with the advice and consent of the attorney general's office refining legal definitions and terms in the original bill. The enforcement of the bill can be accomplished with existing resources in the Department of Revenue Administration. Vote 24-0.

#### Amendment (4476h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Importation of Certain Tobacco Products Prohibited. Amend RSA 78 by inserting after section 32 the following new subdivision:

Importation of Certain Tobacco Products Prohibited

78:33 Preservation of Revenues. The general court hereby finds, determines, and declares that this subdivision is necessary for the protection of revenues to which the state is entitled under the Master Settlement Agreement between the state and the tobacco industry. The general court also finds, determines, and declares that this subdivision is necessary for the preservation of the public health and safety.



78:34 Federal Requirements; Cigarettes and Other Tobacco Products; Placement of Labels; Penalty.

I. No person shall import into this state any package of tobacco products that does not comply with all federal requirements for the placement of labels, warnings and other information on a package of tobacco products manufactured, packaged, or imported for sale, distribution or use in the United States, including but not limited to the precise warning labels specified in the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1333.

II. No person shall knowingly sell or offer to sell a package of tobacco products or affix the stamp or imprint required by this title on a package of tobacco products unless that package of tobacco products complies with all federal tax laws, federal trademark and copyright laws, and federal laws regarding the placement of labels, warnings, or any other information upon a package of tobacco products.

III. No person shall knowingly sell or offer to sell a package of tobacco products or affix the stamp or imprint required by this title on a package of cigarettes if the package bears any mark indicating that the manufacturer did not intend the tobacco products to be sold, distributed or used in the United States, including but not limited to labels stating "For Export Only," "U.S. Tax-Exempt," "For Use Outside U.S.," or similar wording, or if any label or language has been altered from the manufacturer's original packaging and labeling to conceal the fact that the product or package was manufactured for use outside of the United States.

IV. No person shall knowingly sell or offer to sell a package of tobacco products or affix the stamp or imprint required by this title on a package of cigarettes if the tobacco products were imported into the United States in violation of 26 U.S.C. 5754 or any other federal law, or implementing federal regulations, or if the person knows or has reason to know that the manufacturer did not intend the tobacco product to be sold, distributed or used in the United States.

V. No person shall knowingly sell or offer to sell a package of cigarettes or affix the stamp or imprint required by this title on a package of cigarettes if there has not been submitted to the Secretary of the U.S. Department of Health and Human Services the list or lists of ingredients added to tobacco in the manufacture of such cigarettes required by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1335a.

VI.(a) No person shall alter the package of any tobacco product prior to sale to the ultimate consumer, so as to remove, conceal or obscure the fact that the package was manufactured for use outside of the United States.

(b) No person shall knowingly sell or offer to sell a package of tobacco products that has been altered in violation of subparagraph (a).

VII. The penalty for violation of any provision of this section is loss of license for a period of 90 days for a first offense, loss of license for a period of one year for subsequent offenses, and a fine to be determined by the commissioner which shall not exceed \$10,000.

VIII.(a) Any tobacco product or package of tobacco products found for sale at retail or wholesale at any place in this state in violation of this section shall be subject to forfeiture pursuant to RSA 78:16. Nothing in this section shall be construed to require the commissioner to confiscate packages of tobacco products in quantities of one carton or less when the commissioner has reason to believe that the owner possesses the tobacco products for personal use.

(b) Any tobacco products seized by virtue of the provisions of subparagraph (a) shall be confiscated, and the department shall cause such confiscated goods to be destroyed.

IX. This subdivision shall not apply to:

(a) Tobacco products allowed to be imported or brought into the United States for personal use; and

(b) Tobacco products sold or intended to be sold as duty-free merchandise by a duty-free sales enterprise in accordance with the provisions of 19 U.S.C. 1555(b) and any implementing regulations, provided, however, that this act shall apply to any such tobacco products that are brought back into the customs territory for resale within the customs territory.

2 Effective Date. This act shall take effect January 1, 2001.

**SB 453**, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges. **OUGHT TO PASS**

Rep. Norman L. Major for Finance: This bill allows the regional community-technical colleges to expend legacies and gifts without the approval of the governor and council and allows for the trans-

fer of funds between line items within and among any budgetary unit in the regional community-technical colleges. This is largely a housekeeping bill that restores and clarifies flexibility within the community and technical colleges in two important areas. 1.) The first area is in the acceptance of legacies and gifts by the foundation. When the community and technical college system foundation was created in SB 503 (1998), the dollar limitation that could be accepted by the agency without governor and council approval was removed. When the dollar amount was removed, the language that allowed acceptance without governor and council approval was inadvertently dropped. This bill restores that language. 2.) The second area is in the ability to transfer funds between line items within and among any budgetary unit. As a revenue-generating agency, the community and technical colleges may move funds throughout the system as necessary. The agency has been exercising this ability for several years. Recently, administrative services noticed that the last sentence of section 188-F:14, section I, contradicts that flexibility. This bill removes the contradictory language. Vote 24-2.

**SB 367**, establishing a prescription drug access study committee. OUGHT TO PASS

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The committee strongly supported this prescription drug access study committee. The cost of prescription drugs is the "number one" issue facing the public today. Both the House and Senate are fully committed to doing a thorough study of this most important issue. Vote 18-0.

**SCR 5**, urging the New England states and New York to consider cooperative strategies to address the challenge of the high cost of prescription medicines. OUGHT TO PASS

Rep. Phyllis M. Katsakiores for Health, Human Services and Elderly Affairs: The committee voted Ought to Pass on this very important issue. The high price of prescription drugs in this country impacts most severely those most unable to pay, including many of our senior citizens. A recent study indicates that New Hampshire seniors pay a much greater amount for prescriptions than preferred customers, who obtain their prescription drugs through HMO's, hospitals, the federal government and other large insurers. It was agreed that an ongoing multi-state working group was needed to explore a range of options, including the feasibility of multi-state group purchasing agreements and the benefits of sharing best practices. Vote 17-0.

**SB 335**, allowing physicians to make a report when a person is unfit to drive a motor vehicle. REFER FOR INTERIM STUDY

Rep. Cynthia J. Dokmo for Judiciary: The intent of this legislation is to provide immunity to physicians who choose to notify the department of safety of the physician's concern that a person poses a risk to him/herself or to others by operating a motor vehicle. The committee wishes to study this matter to explore the concept of a medical review board and also to take into consideration a recent Supreme Court case regarding a physician's duty to warn. Vote 12-0.

**SB 338**, relative to trustee process. OUGHT TO PASS WITH AMENDMENT

Rep. James W. Craig for Judiciary: Trustee process is the term used to describe the legal means by which a person can tie up another person's assets which are held by a third party such as a bank. This bill changes many of the technical aspects of the existing statute and it is the result of input and compromise by the legal and banking communities. Vote 12-0.

**Amendment (4447h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Trustee Process; Writ; Trustee Disclosure Form. Amend RSA 512:3 to read as follows:

512:3 Writ. The trustee writ shall be an attachment and summons, and shall be served upon the defendant and trustee like a writ of summons, and the goods and estate of the defendant may be attached thereon. *Concurrently therewith, the trustee shall be served with a trustee disclosure form in compliance with RSA 512:9-d. The first page of the attachment shall bear a notice in bold-face, in at least 12-point type, advising the trustee to complete and file the enclosed disclosure of trustee form with the court, the plaintiff, and the defendant within 30 days of receipt or suffer the risk of default. Return of the trustee disclosure form shall operate as an answer and an appearance on behalf of the trustee. A corporation summoned as trustee may appear and answer through its cashier, treasurer, clerk, or such other officer or employee as it shall appoint.*

2 Trustee Process; Bank Accounts; Service. Amend RSA 512:9-b to read as follows:

512:9-b Bank Accounts. When a bank, trust company, building and loan association, or similar corporation is named as trustee, the trustee shall be summoned by service ~~on an officer, person in~~

charge, teller, or office employee of such bank, trust company, building and loan association, or similar corporation at its office if service is made during banking hours, and, if service is made at a time other than banking hours, by service on an officer of such bank, trust company, building and loan association, or similar corporation, and not otherwise. The trustee so served shall not be chargeable for any goods, rights, or credits of the defendant except as shall be in the hands of the trustee at the time of service] *only upon a bank officer, branch supervisor, or head teller of a branch only from 8:00 a.m. to 3:00 p.m., Monday through Friday except bank holidays. The trustee so served shall be chargeable only for any money, goods, chattels, rights, or credits of the defendant in the trustee's hands at the time of service, subject to any reductions due the trustee for account fees, amounts alleged or determined not to belong to the defendant or other priority claims to defendant's money, goods, chattels, rights, or credits. If summoned by service after 3:00 p.m., the trustee shall have until the beginning of the next business day to effect the attachment.*

3 New Sections; Trustee Process; Duties of Trustee; Trustee Disclosure Form; Extension for Filing Disclosure Form. Amend RSA 512 by inserting after section 9-b the following new sections:

512:9-c Duties of Trustee. The trustee so served shall place a hold on money, goods, chattels, rights, or credits of the defendant that are in the trustee's hands at the time of service, but shall have no duty to collect money, goods, chattels, rights, or credits either belonging to the defendant or that may become due or owing the defendant after that time.

512:9-d Trustee Disclosure Form. The trustee disclosure form served upon the trustee in compliance with RSA 512:3 shall include only the following interrogatories and nothing more:

"I. On what date were the trustee writ (including attachment and summons) and trustee disclosure form served upon you?";

"II. What money, rights, goods, chattels, and/or credits belonging to or due defendant did you hold at the time of service?";

"III. Are any of the money, rights, goods, chattels, and/or credits disclosed by you in response to interrogatory II subject to reductions for account fees and/or amounts alleged or determined not to belong to the defendant? If so, please state the amount and the basis."; and

"IV. At this time, are you aware whether the money, rights, goods, chattels, and/or credits disclosed by you in response to interrogatory II are subject to priority claims of other people? If so, please state the amount, the basis for the priority claims, and the claimants."

4 Trustee Process; Default of Trustee. Amend RSA 512:10 to read as follows:

512:10 Default. No person summoned as trustee in an action shall be charged on default until ~~he~~ *that person* shall have neglected to ~~answer in the action~~ *file a properly served trustee disclosure form in a timely manner*, after such notice as the court ~~or justice, at the term when the action is entered or at some subsequent term;~~ may order.

5 Trustee Process; Effect of Default. Amend RSA 512:11 to read as follows:

512:11 Effect. If the trustee ~~makes default after the notice provided in RSA 512:10 he~~ *fails to file a trustee disclosure form with the court within 30 days of service of the trustee writ on the trustee, the trustee* ~~shall~~ *may* be adjudged chargeable ~~for the amount of the judgment which may be recovered by the plaintiff against the defendant~~ *for a sum up to the amount of the judgment which may be recovered by the plaintiff against the defendant.*

6 Trustee Process; Taking of Trustee's Deposition. Amend RSA 512:12 to read as follows:

512:12 Taking. ~~Disclosure of trustees may be given or taken by any party to the action at any time after the service of the writ upon the trustee;~~ *Within 30 days of the filing of the trustee disclosure with the court, the plaintiff or defendant shall be entitled to take trustee's deposition on the issue of trustee's chargeability* upon such notice to the ~~adverse party~~ *trustee* as is required in taking depositions *under court rules* and upon the payment ~~or tender~~ to the trustee of ~~his~~ fees for travel and attendance ~~as in the case of witnesses~~.

7 New Section; Trustee Process; Evidentiary Hearing. Amend RSA 512 by inserting after section 18 the following new section:

512:18-a Evidentiary Hearing. If the court receives no objection to a trustee disclosure within 30 days of the date of receipt of such disclosure, the disclosure shall determine the chargeability of the trustee. If the plaintiff or the defendant files a written objection to the trustee disclosure within 30 days of receipt of the trustee's disclosure, or if the trustee fails to file a trustee disclosure form with the court within 30 days of service of the trustee writ on the trustee, the court shall schedule an evidentiary hearing on the extent of the trustee's chargeability.



8 Trustee Process; Charging Trustee. Amend RSA 512:20 to read as follows:

512:20 Charging Trustee. ~~[If:] Upon the filing of trustee disclosure not objected to within 60 days of filing [depositions in the case], or, [if there is a trial by jury:] upon the [verdict of the jury] court's decision following an evidentiary hearing on the trustee's chargeability, [it appears that] the court shall charge the trustee [had in his possession at the time of the service of the writ upon him, or at any time after:] for any money, goods, chattels, rights, or credits of the defendant in the trustee's possession at the time of the service of the writ and not exempted from trustee process, [he] or subject to any reductions for account fees, amounts alleged or determined not to belong to the defendant [shall be adjudged chargeable therefor] or other priority claims to defendant's money, goods, chattels, rights, or credits.~~

9 Trustee Process; Receiver for Property Disclosed; Refusal to Deliver. Amend RSA 512:32 to read as follows:

512:32 Refusal to Deliver. If the ~~[person summoned as] trustee [shall refuse] refuses to deliver to [the] a receiver[-, agreeably to the order of court:] appointed under RSA 512:29 or RSA 512:30 any note, security for money, evidence of debt, chose in action or other property, [he shall be adjudged trustee for the value thereof] on the grounds that such property is not subject to trustee process, the court shall schedule an evidentiary hearing to determine the validity of such refusal. If, after the evidentiary hearing, the court determines that the property is subject to trustee process and orders the trustee to deliver the property, the trustee shall be adjudged chargeable for the value thereof.~~

10 Trustee Process; Paying Into Court. Amend RSA 512:39 to read as follows:

512:39 Paying into Court. The defendant or trustee may discharge the liability of the trustee by paying into court the sum for which the trustee is charged. *Payment into court by the trustee shall discharge the trustee as a party to the underlying lawsuit.*

11 Trustee Process; Costs; Order of Court. Amend RSA 512:43 to read as follows:

512:43 Order of Court. The trustee shall recover ~~[his] the trustee's~~ costs in all cases *from the plaintiff* except as provided in this chapter, unless otherwise ordered by the court, and the court shall adjust all costs in matters relating to trustee process as between the plaintiff and trustee or any claimant of property in the hands of the trustee as shall seem equitable. *Such costs shall be retained by the trustee from the amount chargeable.*

12 Trustee Process; Application of Provisions. Amend RSA 512:48 to read as follows:

512:48 Application of Provisions. The provisions of this chapter, so far as they are applicable to actions in municipal *and district* courts, shall apply to actions and proceedings therein and to process issued therefrom~~[-, but no party summoned as trustee shall have judgment entered against him until after notice has been given him to disclose, or after disclosure made].~~

13 Effective Date. This act shall take effect January 1, 2001.

#### AMENDED ANALYSIS

This bill:

I. Provides a process whereby filing with the court an inventory of assets held by a third-party trustee and due defendant shall constitute an appearance and no other formalities need be satisfied by the trustee, unless the inventory is challenged.

II. Provides that if a bank, trust company, or similar corporation is named as third-party trustee, and receives notice of attachment after 3:00 p.m. on a business day, such trustee shall have until the beginning of the next business day to effect the attachment.

III. Provides what constitutes default and the consequences of such default by a third-party trustee.

IV. Provides for an evidentiary hearing if the plaintiff or defendant disputes the extent of a third-party trustee's chargeability, or if the trustee denies property is subject to trustee process.

V. Provides a procedure whereby a trustee may pay assets into the court or turn assets over to a court-appointed receiver.

**SB 464**, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction. **OUGHT TO PASS WITH AMENDMENT**

Rep. Loren J. Jean for Judiciary: This bill limits the liability of municipalities and school districts which allow stunt biking on public facilities by adding stunt biking to the statute which already limits liability for skateboarding. The amendment further amends RSA 471-C:13 to allow police



departments to sell abandoned or lost bicycles regardless of their value (present statute sets a value of less than \$250) and the monies from the sale to be used for the support of local bicycle safety programs. Vote 12-0.

#### **Amendment (4364h)**

Amend the bill by replacing section 2 with the following:

2 Custody and Escheat; Bicycles Held by Police Departments. Amend RSA 471-C:13 to read as follows:

471-C:13 Property Held in Police Department Property Rooms. Notwithstanding any other provisions of law to the contrary, all noncontraband abandoned or lost personal property which has been held in a police department property room for a period of at least 180 days may be disposed of by the police department by returning it to the finder, if known, if the finder was other than a police officer who discovered the property during the course of the police officer's usual police duties. If the property cannot be returned to the finder, the property shall be sold at public auction with the proceeds to be turned over to the town or city treasurer. *Except that any bicycle which has been held in a police department property room for a period of 180 days or more shall be sold at public auction with the proceeds to be used for the support of local bicycle safety programs, or, if no local bicycle safety programs are available, then with the consent of the local governing body, to be used for any other purpose.* The police department shall be relieved of all liability for any claim thereafter arising or made with respect to property disposed of under this section.

#### **AMENDED ANALYSIS**

This bill limits the liability of municipalities and school districts which allow stunt biking in certain municipal or school district facilities and provides that bicycles held by police departments for 180 days or more shall be sold at public auction with the proceeds to be used for bicycle safety programs in the city or town.

**SB 467**, relative to the exemption from regulation of certain elevating devices. **OUGHT TO PASS** Rep. Robert E. Clegg, Jr. for Labor, Industrial and Rehabilitative Services: This bill allows the Commissioner of Labor to exempt from certain elevator requirements, elevating devices used as "dumbwaiters" in restaurants. Vote 12-0.

**SB 345**, relative to real estate transfers. **INEXPEDIENT TO LEGISLATE**

Rep. Anthony F. Simon for Municipal and County Government: There was considerable testimony on this bill. While the sponsors' intent is laudable, the Committee is concerned about the negative unintended consequences. There was testimony that eliminating a filing requirement would make it more difficult to detect fraudulent, or less than full value, real estate transfers. Additionally, at least some municipal officers utilize the data contained in the filings involving small consideration transfers. The Committee also feels that municipal officials already have sufficient authority to properly administer the reconveyance of tax taken property. Vote 19-0.

**SB 471**, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying articles 12 of the 1999 Seabrook annual town meeting. **OUGHT TO PASS WITH AMENDMENT**

Rep. Betsey L. Patten for Municipal and County Government: This bill enables the town of Seabrook to create a tax stabilization fund to offset the potential tax rate increases due to future property devaluation caused by the decommissioning of Seabrook nuclear plant. The bill also ratifies the Newfields School District annual meeting and the Milan Annual Town Meeting, both held in March 2000. The Hampton Beach Village District needs to clarify their charter definition of "single family dwelling". Since the charter was created by statute, the Municipal and County Government Committee voted to enable the district to hold a referendum vote. Vote 18-0.

#### **Amendment (4430h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields and Milan; and relative to amending the Hampton Beach village district charter.

Amend the bill by replacing all after the enacting clause with the following:

1 Town of Seabrook; Nonlapsing Special Reserve Fund Authorized. Notwithstanding any provisions of law to the contrary, the town of Seabrook is hereby authorized to establish and maintain a nonlapsing special reserve fund for the purpose of tax stabilization to offset potential tax rate increases due to the decommissioning of the Seabrook nuclear power plant. Moneys appropriated or transferred to this fund shall be used as a revenue source to mitigate tax rate increases due to property valuation decreases at the time the Seabrook nuclear power plant is decommissioned.

2 Ratification of the March 6, 2000 Newfields School District Annual Meeting. All acts, votes, notices, and proceedings relating to article 1 of the Newfields school district annual meeting held on March 6, 2000, and the related public hearing, and notice thereof, held on January 29, 2000, are hereby legalized, ratified, and confirmed.

3 Ratification of the March 12, 2000 Milan Annual Town Meeting. All acts, votes, notices, and proceedings relating to article 2 of the Milan annual town meeting held on March 12, 2000 are hereby legalized, ratified, and confirmed.

4 Hampton Beach Village District; Charter Amendment; Tax Exemption Amended. Amend 1979, 414:6 to read as follows:

414:6 Hampton Beach Village District; Charter Amendment. The Hampton Beach village district is authorized to exempt owners of single family, *owner-occupied* residential dwellings in the Hampton Beach village district, *which have not been rented at any time during the tax year*, from that portion of the village district property tax attributable to the promotion of Hampton Beach as a tourist attraction.

5 Hampton Beach Village District; Referendum; Ballot Question Language Amended. Amend 1979, 414:7 to read as follows:

414:7 Referendum. Section 6 of this act shall not take effect unless it is adopted by a majority vote of those present and voting at a special meeting of the Hampton Beach village district warned and held within 60 days of passage of this act for that purpose. The district commissioners shall include in the warrant for said special meeting the following article: "to see if the village district will vote to adopt the provisions of an act of the 1979 general court amending the Hampton Beach village district charter to provide that owners of single family, *owner-occupied* residential dwellings in the Hampton Beach village district, *which have not been rented at any time during the tax year*, shall be exempt from that portion of the village district property tax attributable to the promotion of Hampton Beach as a tourist attraction." No official ballot shall be used for the voting on said article. If a majority of those present and voting on this question vote in the affirmative, section 6 of this act shall be declared to have been adopted. Within 10 days after said referendum the district clerk shall certify to the secretary of state the results of said vote.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

I. Authorizes the town of Seabrook to establish a nonlapsing special reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant.

II. Ratifies the acts, votes, notices, and proceedings of an article of the Newfields school district meeting held March 6, 2000, and the Milan annual town meeting held March 12, 2000.

III. Makes a change to the Hampton Beach village district charter relative to a village district property tax exemption.

**SB 72**, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill addresses problems obtaining building permits and their associated wetland permits for areas in the vicinity of Seabrook and Hampton Beaches. The Committee agrees that this is a significant issue which should be addressed. The Department of Environmental Services (DES) has assured the committee that rules will be in place in a reasonable time which will satisfy the intent of the bill. Therefore, this bill is not needed. Vote 15-0.

**SB 406-FN-L**, prohibiting the use of reformulated gasoline with watercraft on or in bodies of water that provide public water supplies. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Lawton for Resources, Recreation and Development: HB 406 would prohibit the operation of gasoline-powered watercraft on all waters of the state which are sources of drinking water. Among the many lakes that would be closed would be the state's largest lake, Lake Winnepesaukee, as well as the Connecticut River, the Merrimack River and Lake Sunapee. Such a broad-reaching boating ban would devastate both recreational and tourist-related industries throughout the state. Further, this bill would be impossible and dangerous to enforce since both reformulated gas and normal (mbte-lite) gas are readily available and therefore would require open-water fuel sampling by Marine Patrol to determine which type of fuel was in the fuel tank. Phasing out reformulated gasoline across the fuel market place is the solution to this problem with mbte. Vote 15-0.

**SB 460-FN**, establishing a grant program to reimburse eligible districts served by municipal waste combustors. **REFER FOR INTERIM STUDY**

Rep. Harold V. Lynde for Science, Technology and Energy: The committee is supportive of the goal of the bill's sponsors in reducing mercury emissions at the Claremont municipal waste incinerator, but felt certain aspects of the bill required more study. The committee is also aware the subject matter of this bill has been added to HB 1349 by the Senate and will come before the House for action. Vote 17-0.

**SCR 7**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. **REFER FOR INTERIM STUDY**

Rep. James J. Fenton for State-Federal Relations and Veterans Affairs: Public testimony left the committee with concerns relative to the solid waste disposal costs to our communities. Further investigation indicated two firms control waste management in New Hampshire. This coupled with the efforts to discourage the use of community incinerators may create a quasi-monopoly thus establishing "tipping" fees in a "hostage" environment. The community wishes to study this waste problem and voted to refer to interim study. Vote 14-0.

**SJR 1**, concerning the status of the White Mountain National Forest within the U.S. Forest Service's forest management plan. **OUGHT TO PASS**

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: The White Mountain National Forest has successfully operated by the guidelines set in the 1911 Weeks Act for 90 years. Diversion from this approach will have an adverse affect on the ability to continue to meet the needs of the communities of the North Country and its 5,000,000 users per year. The traditional income generating uses of the forest that will provide a stable source of revenue to the forest, the state, and the towns should be continued and Congress should define ways to allow the revenues from these forest service related activities to remain with the White Mountain National Forest with a portion reimbursed to local communities. If the White Mountain National Forest is to continue under budgetary constraints and Congress does not fully fund its payments in lieu of taxes, the citizens of the North Country should be exempt from the Fee Pilot Program. Vote 14-0.

**SB 337-FN**, requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations. **INEXPEDIENT TO LEGISLATE**

Rep. Robert J. Letourneau for Transportation: This bill would require any new resident applying for a permanent New Hampshire driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults as a precondition to issuance. This bill, while having a worthwhile intent, has many problems with its drafting. During the public hearing it was revealed that the Department of Safety did a pilot program in 1995. The department ran 16,000 checks yielding 1,600 possible hits which were then reviewed by civilian personnel in the NHSP. All but 33 were then ruled out. These 33 were then turned over to SIU (State Police Intelligence Unit), of these 7 were correct. Of these 7, 3 should no longer be listed on the NCIC, leaving 4 names on the list. State Troopers were dispatched to the last known address of these individuals and none of the 4 could be located. This would be a labor-intensive program requiring at a minimum a labor grade 8 to 13 clerk in licensing, a second clerk in SIU, and a labor grade 17+ trooper to investigate possible hits. Each of these persons would require special NCIC system training. There would be the cost of additional troopers going into the field to check positive hits. The department estimates that the cost of this program would be a half a million dollars in the first half



of 2001, with an annual cost of approximately \$350,000, if all license renewals were considered. This bill as amended by the Senate would only require those coming from out of state to be checked. Startup cost associated with this version would be approximately \$272,000, with an annual cost of approximately \$100,000 plus. However, this would cause the constitutionality of this measure to be suspect. To pass constitutional muster you must be able to show that out of state drivers are more likely to be criminals or have outstanding warrants or unpaid fines, thereby forcing the state to consider all license renewals. The committee also felt that this bill came with an incorrect fiscal note and was not able to properly consider the bill in the short time available to work on this proposed legislation. There were many doubts that this legislation would produce successful results. With the state in a fiscal deficit, the committee felt that the state resources could be better employed. Vote 15-0.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit third reading and final passage at the present time of all Consent Calendar bills that had Committee reports of Ought to Pass or Ought to Pass with amendment.

Adopted by the necessary two-thirds.

### MOTION ON CONSENT CALENDAR BILLS

Rep. Chandler moved that all Consent Calendar bills that had Committee reports of Ought to Pass or Ought to Pass with amendment, be read a third time and passed.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 310**, relative to New Hampshire state-chartered banks and interstate banking.

**SB 316**, relative to "most favored nation" or "equally favored nation" provisions in insurance.

**SB 332**, relative to risk-based capital for health organizations.

**SB 368**, relative to insurance fraud.

**SB 375**, relative to motor vehicle dealerships.

**SB 378**, relative to Article 9 of the Uniform Commercial Code.

**SB 383**, requiring the department of health and human services and insurers to make prompt payments.

**SB 302**, relative to certain employment requirements for liquor licensees.

**SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault.

**SB 470**, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

**HB 1369-FN-L**, clarifying authority to regulate asbestos.

**SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission.

**SB 326**, relative to the joint health council.

**SB 328**, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision.

**SB 446**, relative to the integration of information technology at the state, county and municipal levels.

**HB 1469**, establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers.

**SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work.

**SB 318-FN**, relative to proposed joint maintenance agreements.

**SB 324**, relative to personal care services and providers.

**SB 389-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system.

**SB 392-FN**, relative to the use of nonlapsed funds by the regional community-technical colleges.

**SB 415**, relative to payment of group health insurance premiums for eligible retired members of the retirement system.



**SB 422-FN**, relative to the housing security guarantee loan program.

**SB 428-FN-A**, relative to the development of certain public health initiatives and making an appropriation therefor.

**SB 448**, establishing a guardians ad litem board.

**SB 450-FN**, prohibiting the importation of tobacco products that violate federal law.

**SB 453**, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges.

**SB 367**, establishing a prescription drug access study committee.

**SCR 5**, a resolution urging the New England states and New York to consider cooperative strategies to address the challenge of the high cost of prescription medicines.

**SB 338**, relative to trustee process.

**SB 464**, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction.

**SB 467**, relative to the exemption from regulation of certain elevating devices.

**SB 471**, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

**SJR 1**, a resolution concerning the status of the White Mountain National Forest within the U.S. Forest Service's forest management plan.

### REGULAR CALENDAR

**SB 231**, relative to termination of water service from a water utility in the town of Pittsfield. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill, as passed by the Senate, would prohibit anyone from disconnecting from the local public water utility and then secure water from an alternative source. The ban would last for 2 years, but the committee amendment reduced the interval to one year. This would allow the town of Pittsfield to take appropriate measures to insure the water safety of the community and to address the increasing financial burden on the customers of the water system. The majority of the committee felt this would be an appropriate response to this problem. Vote 9-8.

Rep. John T. Gallus for the Minority of Resources, Recreation and Development: This bill would prohibit the public from disconnecting from the privately owned water system in the town of Pittsfield, New Hampshire for a period of one year, as amended. Public safety issues are not addressed by this bill and the general public is protected by the New Hampshire Safe Drinking Water Act. The minority felt the town of Pittsfield, New Hampshire should address any problems with local ordinances and that this bill is unfair to local citizens and ratepayers. This bill is precedent setting and should be voted down as it was in its first committee vote of ITL of 9-5.

### Amendment (4023h)

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect one year after the effective date of the remainder of this act.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill provides that no customers of a water utility serving the town of Pittsfield shall have the right to terminate water service and secure water from an alternate source for a one-year period.

Adopted.

Rep. Gallus spoke against.

Rep. Cooney spoke in favor and yielded to questions.

The majority report failed.

Rep. Gallus moved Inexpedient to Legislate.

Adopted.

**SB 472**, relative to final authorization of electric rate reduction financing and commission action.

MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Jeb E. Bradley for the Majority of Science, Technology and Energy: This bill is the legislation necessary to implement the secure bonding provision (securitization) of the Settlement with PSNH. Work on this legislation began when HB 464 was enacted last July and in earnest in October when consultants were hired to advise the joint House and Senate Electric Utility Restructuring Oversight Committee. Members of the STE Committee have met numerous times with these consultants as well as senior staff of the PUC to review the Settlement, analyze other options, and draft this legislation. Per this amendment the average rate reduction of all customers in the first year will be 16.3% and remain relatively stable. The consultant has built in price increases for the actual electricity (the competitive portion of a customer's bill) due to inflation and pressure on fossil fuel prices. Other analyses do not take these factors into account. It should be noted that residential customers will see about 3% greater immediate rate reduction than industrial customers. It is anticipated that this will be balanced by industrial customers' likely future ability to buy actual power at a slightly lower cost. The majority amendment clarifies that PSNH must write-off or otherwise reduce their stranded costs by \$474 million or securitization will not be available to PSNH. The majority amendment also insists upon other key conditions as a quid pro quo for securitization, including minimizing costs that could be deferred into the future, using realistic power prices in the first years of deregulation, barring PSNH from bidding to reacquire their generation assets, and establishing dates by which customer choice shall begin and the generation assets sold. Other key conditions include a five-year cap on the delivery charge if a merger occurs in order to capture savings from the merger, and a ban on recovery in delivery rates of any premium paid for PSNH in a merger. The amendment limits total securitization for PSNH itself to \$688 million, minus \$6 million per month of implementation delay, since customers are paying that \$6 million to PSNH every month in existing rates. The bill also allows for up to \$137 million of additional securitization financing to reduce the financing costs of the high price wood and trash plant contracts if agreements can be renegotiated with any of those plants. The majority believes that, although securitization creates a guaranteed recovery of the bonds from PSNH customers, it also provides considerable financing savings on these amounts that customers are already currently paying in their bills. The majority believes these conditions in the amendment, in particular the \$474 million reduction of stranded costs by PSNH, are critical. The conditions make the upfront securitization payment to PSNH balanced for both customers and PSNH, and produces net benefits for customers.

The committee and its consultants also carefully examined other alternatives to the Settlement, most notably a rate case. Some people believe that a rate case produces a better outcome than the Settlement when securitization is combined with a "Best Case" rate case outcome. The consultant's analysis has consistently concluded that though the amendment and the "Best Case" rate case have similar outcomes, the Settlement with the conditions imposed by amendment is about \$114 million better for customers over 13 years than the "Best Case" rate case. Competition is also implemented immediately. The downside risk of an outcome far worse for customers than a "Best Case" in a rate case is also eliminated. It should be noted that this legislation does not approve the entire Settlement, nor does it create any guaranteed obligations on the part of PSNH customers other than payment of the bonds, which are costs customers are already paying in existing rates. Finally, this Settlement with the conditions imposed on securitization will substantially reduce the rate gap between New Hampshire and other Northeastern states and will provide long term economic benefits to the state's economy. Vote 17-2.

Rep. Gary R. Gilmore for the Minority of Science, Technology and Energy: Despite the extremely diligent and meritorious work of the committee, the minority recommends this legislation be referred for interim study. Competition is not the panacea one might be expecting. The savings (if any) will come with serious risks incurred by the state in the form of securitization. While ratepayers will initially receive a significant decrease in rates, it is what happens over the next 3 to 8 years that most concerns the minority especially since PSNH ratepayers will almost certainly be paying the highest stranded cost charges in the nation.

#### **Amendment (4471h)**

Amend RSA 369-B:1 as inserted by section 2 of the bill by inserting after paragraph IX the following new paragraphs:

X. The differences among rate classes in the amount of the stranded cost recovery charge in the April 19 order are in the public interest. When these differences are combined with the differ-

ences in the delivery service charge among rate classes (based on the cost of service), and with the differences in the likely market price of energy among rate classes, the overall total rate reduction is likely to be very close to an equal percentage for all rate classes, which is consistent with the benefits for all customers principle of RSA 374-F:3, VI. However, it is also in the public interest that any further adjustments to charges between the April 19 order and the final commission order approving the settlement be applied equally in cents per kilowatt-hour for all rate classes.

XI. The renegotiation of the wholesale power purchase agreements between PSNH and the 6 wood-to-energy facilities and the one trash-to-energy facility is in the public interest in order to reduce the total cost to ratepayers of these agreements, and the sharing of the benefits among all of the parties involved in the renegotiations is in the public interest.

XII. It is in the public interest in the event that the price of transition service prior to March 1, 2001, exceeds PSNH's actual, prudent and reasonable costs of providing such power so as to create a credit to customers that must be reconciled, that the distribution of this credit between reducing the amount of the stranded cost recovery charge and reducing the duration of the stranded cost recovery charge be made by the commission in a manner that it finds to be in the public interest.

XIII. Low income programs currently administered by Granite State Electric Company and by the New Hampshire electric cooperative appear to be achieving the goals of RSA 374-F. The commission should design low income program details so as to achieve similar low overhead and operating efficiency, and to maximize the fraction of the money spent that goes to the intended beneficiaries of the low income program.

Amend RSA 369-B:2-3 as inserted by section 2 of the bill replacing it with the following:

369-B:2 Definitions. In this chapter:

I. "April 19 order" means commission Order No. 23,443 in Docket DE 99-099 as it was issued on April 19, 2000, excluding any subsequent amendments.

II. "Commission" means the public utilities commission established in RSA 363, as it may be constituted from time to time, and any successor agency exercising functions similar in purpose to such commission.

III. "Competition day" means competition day as defined in the original proposed settlement.

IV. "Electric utility" means a public utility that provides retail electric service.

V. "End user" means any person or entity consuming electricity, including all retail customers.

VI. "Finance order" means an order of the commission adopted prior to or following the effective date of this chapter pursuant to 1999, 289:3, I, pursuant to this chapter, or pursuant to both 1999, 289:3, I and this chapter.

VII. "Financing entity" means any special purpose trust, limited liability company, non-profit corporation, or other entity that is authorized in accordance with the terms of a finance order to issue rate reduction bonds, acquire RRB property, or both on behalf of the electric utility, or any combination of such entities.

VIII. "Original proposed settlement" means the "Public Service Company of New Hampshire Restructuring Settlement Agreement" filed with the commission on August 2, 1999.

IX. "PSNH" means the Public Service Company of New Hampshire.

X. "Rate reduction bonds" ("RRB") means bonds, notes, certificates of participation or beneficial interest, or other evidences of indebtedness or ownership, issued pursuant to an executed indenture or other agreement of a financing entity, in accordance with this chapter, 1999, 289:3, I and II, and RSA 369-A, the proceeds of which are used, directly or indirectly, to provide, recover, finance, or refinance RRB costs, and which, directly or indirectly, are secured by, evidence ownership interests in, or are payable from, RRB property.

XI. "Retail customer" means any person or entity purchasing directly or otherwise obtaining or being supplied directly with retail electric service for end use consumption, including those served under special contracts.

XII. "Retail electric service" means the delivery of electric power through the provision of transmission and/or distribution service by an electric utility to a retail customer within its service territory or territories, regardless of such retail customer's source of electric power, and shall include any back-up, maintenance, emergency, and other delivery service provided to a retail customer by an electric utility.

XIII. "RRB charge" means those retail electric service rates and similar charges that are authorized by the commission in a finance order to recover those RRB costs that are eligible to be funded



with the proceeds of rate reduction bonds pursuant to this chapter and the costs of providing, recovering, financing, or refinancing such RRB costs through a plan approved by the commission in the finance order, including the costs of issuing, servicing, and retiring rate reduction bonds. The RRB retail electric service rate or charge authorized by the commission may vary by cost of service, customer class, and between special contract customers. All RRB charges shall be assessed on a per kilowatt-hour basis.

XIV. "RRB costs" means expenditures which are incurred by an electric utility or which an electric utility is obligated to incur either prior to or subsequent to the effective date of this chapter, and costs approved by the commission to mitigate such expenditures, as shall be designated in a finance order approved by the commission and which may include but are not limited to:

(a) Expenditures incurred in respect of generation assets, entitlements, and acquisition premiums.

(b) Expenditures incurred in respect to the buyout, buydown, restructuring or renegotiation of wholesale purchase power contracts.

(c) Expenditures incurred in respect to regulatory assets.

(d) Expenditures incurred to refinance or retire existing debt or existing equity capital of the electric utility and any costs related thereto.

(e) Amounts necessary to recover federal or state taxes actually paid by an electric utility, which tax liability recovery is modified by the transactions approved in a finance order issued by the commission pursuant to this chapter.

(f) Reasonable costs, as approved by the commission, relating to the issue, servicing, or refinancing of rate reduction bonds under the provisions of this chapter, including, without limitation, principal and interest payments and accruals, sinking fund payments, debt service and other reserves, costs of credit enhancement, indemnities, if any, owed to the state or the trustee for the rate reduction bonds, issuance costs and redemption premiums, if any, and all other reasonable fees, costs, and charges in respect of rate reduction bonds.

XV. "RRB property" means the irrevocable vested property right created pursuant to this chapter and one or more finance orders, including, without limitation, the right, title, and interest of an electric utility or a financing entity in and to all revenues, collections, claims, payments, money, or proceeds of or arising from the RRB charge authorized to be imposed and collected pursuant to such finance orders to recover RRB costs and the costs of paying, financing, reimbursing, or refinancing the RRB costs, including the reasonable costs of issuing, servicing, and retiring rate reduction bonds, and in and to all rights to obtain adjustments to such RRB charge pursuant to the terms of RSA 369-B:4, III and the finance order, all as determined by the commission in its approval of such finance orders. "RRB property" shall constitute a current and irrevocable vested property right, notwithstanding the fact that the value of such property right may depend upon electricity usage or the performance of certain services.

XVI. "Security interest" means a security interest as defined in RSA 382-A:1-201(37).

XVII. "Service territory" means, with respect to any electric utility, the geographic area established by the commission as the retail electric service territory of such electric utility, as such territory is depicted on the "Electric Utilities Franchise Areas" map issued by the commission, dated July 1, 1993, together with any other geographic area in which such electric utility actually provided retail electric service on such date.

#### 369-B:3 Authority to Issue Finance Orders to Finance RRB Costs.

I. The commission is authorized, upon the petition of an electric utility and after a hearing, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is in the public interest as set forth in RSA 369-B:1, IX. Any finance order adopted pursuant to 1999, 289:3, I and II prior to the effective date of this chapter shall, following the effective date of this chapter, be deemed to be authorized by this chapter, provided the commission has made the required finding pursuant to RSA 369-B:3, IV(b).

II. Notwithstanding any law, rule, or regulation to the contrary, except as otherwise provided in RSA 369-B:4, III with respect to RRB property, the finance orders and the RRB charge authorized to be imposed and collected pursuant to such finance orders shall be irrevocable, and the commission shall not have authority either by rescinding, altering, or amending the finance order or otherwise, to directly or indirectly, revalue or revise for ratemaking purposes the RRB costs, or



the costs of providing, recovering, financing, or refinancing the RRB costs, determine that such RRB charge is unjust or unreasonable, or in any way reduce or impair the value of RRB property either directly or indirectly by taking such RRB charge (other than any portion of such RRB charge constituting a servicing fee payable to the electric utility) into account when setting other rates for the electric utility; nor shall the amount of revenues arising with respect thereto be subject to reduction, impairment, postponement, or termination.

III. Notwithstanding any law, rule, or regulation to the contrary, any requirement under this chapter, under 1999, 289:3, I and II, under RSA 369-A, or under a finance order that the commission take action with respect to the subject matter of a finance order shall be binding upon

the commission, and the commission shall have no authority to rescind, alter, or amend that requirement.

IV. The commission shall only issue finance orders that:

(a) Authorize the issuance of a total of no more than \$137,000,000 in rate reduction bonds to finance renegotiated agreements of the existing wholesale power purchase agreements between PSNH and the 6 wood-to-energy facilities and the one trash-to-energy facility; or

(b) Authorize the issuance of a total of no more than \$688,000,000, minus \$6,000,000 for each month from July 1, 2000 to competition day, in rate reduction bonds. This authorization is in addition to any amount authorized in subparagraph (a). This issuance must be part of a settlement approved by the commission under RSA 374-F to implement electric utility restructuring within the service territory of PSNH. Any finance order that is issued under this subparagraph (b) shall contain a finding by the commission that the rate reduction bonds authorized by the finance order are consistent with the April 19 order, plus any subsequent amendments, and that implementing the terms of the April 19 order, plus any subsequent amendments, shall result in the following:

(1)(A) Prior to March 1, 2001, PSNH shall supply transition service and default service in its retail electric service territory. Subsequent to February 28, 2001, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service. The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers and small commercial customers that do not have installed demand meters shall be available through February 28, 2003. Through February 28, 2001, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From March 1, 2001 to February 28, 2002, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From March 1, 2002 to February 28, 2003, the price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement;

(ii) At the end of the transition service period, up to 25 percent of the residential customers and small commercial customers that do not have installed demand meters and who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers. The commission must find such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be approved by an individual customer;

(C) Transition service for all other customers shall be available through February 28, 2002. Through February 28, 2001, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From March 1, 2001 to February 28, 2002, the price of transition service for these customers shall be the competitively bid price for transition service;

(D) Any difference between the price of transition service prior to March 1, 2001, and PSNH's actual, prudent and reasonable costs of providing such power shall first be separated between the 2 groups of customers described in subparagraphs (B) and (C), and then reconciled for that group of customers in the manner prescribed in the original proposed settlement, or, if the commission finds it to be in the public interest, a decrease in the stranded cost recovery charge;

(E) The commission shall retain the authority to reject any or all bids for transition service at its sole discretion if it finds such action to be in the public interest. Except as specifically provided in this section, the commission may not accept any bid or implement any pricing strategy for transition service that creates any deferrals;

(F) The selection of a provider or providers of default service prior to March 1, 2003 may be combined with the selection of a provider or providers of transition service to the extent that the commission finds it to be in the public interest;

(2) No amount shall be securitized which was not listed as part of the \$688,000,000 proposed for securitization in the April 19 order, as reduced by any subsequent amortization;

(3) Customer savings through reductions of stranded costs shall be not less than the total amount of \$474,200,000 contained in the April 19 order, including the \$367,000,000 contained in the original proposed settlement, the \$6,200,000 resulting from the settlement of issues pertaining to the New Hampshire electric cooperative, and all additional amounts contained in the April 19 order;

(4) In the event that PSNH or its parent company is acquired or otherwise sold or merged, such merger, acquisition, or sale shall be subject to the jurisdiction of the commission under RSA 369, RSA 374, RSA 378 or other relevant provisions of law, and the merger, acquisition, or sale shall be approved only if it is shown to be in the public interest;

(5)(A) The delivery service charge shall be fixed for a period of 30 months from competition day, except as provided herein, at \$0.027 per kilowatt-hour for the first year and \$0.028 per kilowatt-hour for months 13 through 30;

(B) In the event of a merger, acquisition or sale of PSNH or its parent company prior to 5 years after competition day:

(i) The delivery service charge shall be fixed, except as provided herein, at \$0.027 per kilowatt-hour from the effective date of the merger, acquisition or sale until 5 years after competition day;

(ii) At any time after such a merger, acquisition or sale, the commission has the authority to reduce the delivery service charge, upon petition by other parties or under its own authority, to reflect additional cost savings that result from the merger, acquisition or sale in excess of those assumed to create the rate savings in subparagraph (b)(5)(B)(i);

(iii) From 30 months after competition day until 60 months after competition day, the commission shall, upon petition and demonstration by PSNH that its achieved return on equity for the previous 12 months is less than 5 percent before taxes, increase this delivery service charge by an amount that will allow return on equity of 5 percent before taxes;

(iv) No acquisition premium paid by an acquiring company for the assets or securities of an acquired company, resulting from any such merger, acquisition or sale, may in any way increase rates at any time from what they would have been without the acquisition premium.

(6) If any rated rate reduction bonds, rated Triple-A by any major bond credit rating specialist, are issued prior to October 31, 2000, with an all-in cost greater than 7.25 percent, PSNH assumes all incremental costs of servicing the bonds resulting from exceeding the 7.25 percent rate;

(7) The total systems benefit charge shall be fixed at \$0.002 per kilowatt-hour for 36 months from the effective date of the commission-approved settlement, divided equally between low-income assistance and energy efficiency/conservation programs. In the event that money is collected but not spent during the initial 12-month period or any succeeding 12-month period, it shall be refunded to ratepayers;

(8) All currently existing opportunities shall be continued for retail customers to generate or acquire electricity for their own use, other than through retail electric service, without an exit fee;

(9) Non-discriminatory, open access to PSNH's transmission system shall be available to wholesale customers, electricity suppliers, marketers, aggregators, and municipal electric utilities, with charges based only on rates set by federal regulations, plus the actual cost of service for any services not subject to federal price regulation;

(10) The stranded cost recovery charge, averaged over all customers, shall not exceed \$0.0340 per kilowatt-hour, and its duration shall not exceed the estimated term as provided in the April 19 order, except in accordance with the provisions for adjustment contained in the April 19 order. Any changes in the delivery service charge, stranded cost recovery charge, transition service charge, systems benefit charge, or any other charge from those estimated in the April 19 order shall be applied as an equal change in the cost per kilowatt-hour for all customer classes;

(11) There shall be no changes to the April 19 order that have or may have, as determined by the commission in the finance order, an adverse financial impact on ratepayers, unless additional

write-offs or other ratepayer benefits are provided, in addition to those provided by the conditions of this subparagraph (b) and by the April 19 order, to adequately compensate for such adverse financial impacts;

(12) The commission may not order changes in the total rates of customers taking service under special contracts approved pursuant to RSA 378:18 for the duration of those special contracts in effect as of May 1, 2000. The commission may require special contract customers to use reasonable diligence whenever they acquire electricity;

(13) During any sale of electricity generation assets required by this settlement, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid for those assets;

(14) During any competitive bid process to determine a provider or providers of transition service or default service, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid to provide such service;

(15) The commission shall administer the liquidation of any electricity generation assets required to be sold by the settlement. Any sale of assets located in the state of New Hampshire that are administered by the commission pursuant to this paragraph shall be conducted in this state. The commission shall hire an independent, qualified asset sale specialist to conduct the asset sale process. PSNH shall be allowed to comment prior to the selection of any such specialist;

(16) The commission shall administer any competitive bid process for transition service or default service required by the settlement;

(17) Competition day shall be not later than October 1, 2000, unless the commission finds due to circumstances beyond its control that further delay is in the public interest;

(18) The sale of fossil generation assets shall take place no later than July 1, 2001, unless the commission finds due to circumstances beyond its control that further delay is in the public interest;

(19) In the event that the commission does not approve a sale of Seabrook, the return on equity shall be increased from 7 percent to 150 basis points more than the average 10-year Treasury bond yield for the preceding 6 months, but not less than 7 percent nor more than 11 percent, from the time of the disapproved sale until Seabrook is sold. If this time period is more than 6 months, the return on equity shall be readjusted at the end of every 6 months; and

(20) No final finance order shall be effective until PSNH has withdrawn all pending litigation in Federal court.

Amend RSA 369-B:4, VII as inserted by section 2 of the bill by replacing it with the following:

VII. Notwithstanding any statutory or regulatory language to the contrary, end users who generate or acquire on-site electricity for their own use as permitted by existing law and regulation in effect as of January 1, 2000, shall not be subject to an exit fee in whole or in part. An exit fee is any rate or charge that is based in whole or in part on the amount of electric power and/or retail electric service a customer might have purchased from or through an electric utility but does not, for any reason. End users who generate electricity for their own use shall include joint users of electricity, including their on-site successors and assigns, who are using electricity generated primarily for their own use at a site owned by one or more of such users, and such users or their predecessors were sharing the provision of power as of January 1, 2000.

Amend RSA 369-B:5, I as inserted by section 2 of the bill by replacing it with the following:

I. An electric utility or financing entity may, from time to time, after approval by the commission in a finance order or orders, issue rate reduction bonds. The power and authority of such electric utility or financing entity to issue such bonds shall expire on December 31, 2002.

Amend RSA 369-B:5, VII(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, state banks and trust companies, national banking associations, savings banks, savings and loan associations, investment companies, executors, administrators, trustees and other fiduciaries and electric utility consumers may properly and legally invest funds, including capital in their control or belonging to them; and

Amend RSA 369-B:5, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. Rate reduction bonds shall mature at such time or times approved by the commission in the finance order, but not more than 14 years after competition day.



Amend RSA 369-B:6, III as inserted by section 2 of the bill by replacing it with the following:

III. An electric utility may sell and assign all or portions of its interest in RRB property to an affiliate to the extent approved in the pertinent finance orders. An electric utility or its affiliate may sell or assign its interests to one or more financing entities that make that property the basis for issuance of rate reduction bonds to the extent approved in the pertinent finance orders. An electric utility, its affiliate, or a financing entity may pledge RRB property as collateral, directly or indirectly, for rate reduction bonds to the extent approved in the pertinent finance orders providing for a security interest in the RRB property, in the manner set forth in RSA 369-B:7. In addition, RRB property may be sold or assigned by:

(a) The financing entity or a trustee for the holders of rate reduction bonds in connection with the exercise of remedies upon a default; or

(b) Any person acquiring the RRB property after a sale or assignment pursuant to this paragraph.

Amend the bill by replacing all after section 2 with the following:

3 Restructuring Policy Principles; Universal Service. Amend RSA 374-F:3, V(b) to read as follows:

(b) As competitive markets emerge, customers should have the option of stable and predictable ceiling electricity prices through a reasonable transition period, consistent with the near term rate relief principle of RSA 374-F:3, XI. Upon the implementation of retail choice, transition service should be available for at least [2] *one* but not more than 4 years after the start of competition, for customers who have not yet chosen a competitive electricity supplier. Transition service should be procured through competitive means and may be administered by independent third parties. The price of transition service should increase over time to encourage customers to choose a competitive electricity supplier during the transition period. Such transition service should be separate and distinct from default service.

4 New Subparagraph; System Benefits Charge; Limitations. Amend RSA 374-F:4, VIII by inserting after subparagraph (f) the following new subparagraph:

(g) The portion of the system benefits charge due to programs for low-income customers shall not exceed 1.0 mills per kilowatt-hour in any part of the state for a period of 3 years starting on competition day for PSNH as defined in RSA 369-B:2, III.

5 Option for Municipalities Purchasing Certain Electric Facilities. Municipalities which seek to purchase PSNH hydro-electric small-scale electric facilities, as defined in RSA 374-D:1, may with the consent of the governing body, prior to October 1, 2000, petition the commission pursuant to RSA 38:9, prior to holding the vote of qualified voters provided for in RSA 38:3, RSA 38:4, or RSA 38:5, for a determination of the fair market value of the facility in the event that the municipality and PSNH are unable to agree to a price to be paid for the facility. The cost of the determination shall be at the expense of the requesting municipality. The commission should hire an independent, qualified asset valuation specialist to conduct the asset valuation process. If this option is chosen, all votes required by RSA 38:3, RSA 38:4, or RSA 38:5 must be held prior to the expiration of the time limit required for the ratification vote under RSA 38:13.

6 Public Utilities Commission Action. If by August 1, 2000, the public utilities commission has not made an affirmative finding as part of a finance order under RSA 369-B:3, IV(b), relative to a settlement involving PSNH, or PSNH has not agreed to the conditions of the approved settlement for which the commission has made an affirmative finding under RSA 369-B:3, IV(b), then the commission shall:

I. Suspend the Public Service Company of New Hampshire (PSNH) Restructuring Settlement Docket No. 99-099 and resume, as allowed by law, all other dockets stayed by the commission as it addressed Docket No. 99-099.

II. Take such action as is in the public interest regarding temporary rates as authorized by RSA 378:27.

III. Proceed with litigation at the New Hampshire supreme court on whether the 1989 Rate Agreement is a contract and on whether PSNH and Northeast Utilities may have breached any such contract or, by their actions, allowed any such contract to be voided.

7 Effective Date. This date shall take effect upon its passage.  
Adopted.

Reps. Phinizy and Gilmore spoke against and yielded to questions.



Reps. Rose, Dickinson and Donald White spoke against.  
 Rep. MacGillivray spoke in favor.  
 Reps. Guay, Naida Kaen, Norelli and Bradley spoke in favor and yielded to questions.  
 Rep. Bradley requested a roll call; sufficiently seconded.  
 The question being the adoption of the majority report.

**YEAS 212 NAYS 125****YEAS 212****BELKNAP**

Boriso, Thomas	Czech, Stanley	Holbrook, Robert	Millham, Alida
Philliod, James	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wood, Jane		

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald

**CHESHIRE**

Blaisdell, Michael	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Manning, Joseph	Robertson, Timothy	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
Tholl, John Jr			

**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Ham, Bonnie	Marshall, Gene	Nordgren, Sharon
Scanlan, David	Ward, Brien		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Brundige, Robert	Buckley, Raymond	Burkush, James	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Fields, Dennis
Ford, Nancy	Foster, Linda	Franks, Suzan	Ginsburg, Ruth
Goley, Jeffrey	Haettenschwiller, Alphonse	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Kony, Christine	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Leonard, Peter
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre
McCarty, Winston	McDonald, James Sr	McGough, Tim	McRae, Karen
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moriarty, Mary	Mosher, William	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Thulander, O Alan	Vaillancourt, Steve	White, John	Williams, Carol

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin

Hager, Elizabeth  
Lockwood, Priscilla  
Reardon, Tara  
Whalley, Michael

Hess, David  
Marshall, Kenneth  
Rosenfield, Jay  
Whittemore, James

Hoadley, Elizabeth  
Maxfield, Roy  
Seldin, Gloria  
Yeaton, Charles

Leber, William  
Potter, Frances  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Blanchard, MaryAnn  
Cox, Russell  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, George  
Langley, Jane  
Norelli, Terie  
Pitts, Jacqueline  
Shelton, Richard  
Tufts, J Arthur  
Whittier, John

Arndt, Janet  
Case, Margaret  
Dearborn, Bruce  
Francoeur, Sheila  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Lovejoy, Marian  
Noyes, Richard  
Priestley, Anne  
Shultis, Elizabeth  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
Christie, Andrew Jr  
DiFruscia, Anthony  
Gleason, John  
Johnson, Robert  
Kelley, Jane  
Major, Norman  
O'Keefe, Patricia  
Sabella, Norma  
Stone, Joseph  
Weare, Everett

Bishop, Franklin  
Cooney, Richard  
Downing, Michael  
Grant, Kenneth  
Kane, Cecelia  
Kelley, William  
McKinney, Betsy  
Pantelakos, Laura  
Schanda, Frank  
Stritch, C Donald  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Kaen, Naida  
Lundborn, Raymond  
Smith, Marjorie  
Vincent, Francis

Brennan, William  
Keans, Sandra  
Musler, George  
Snyder, Clair  
Wall, Janet

Callaghan, Frank  
Knowles, William  
Rogers, Rose Marie  
Taylor, Kathleen

Dunlap, Patricia  
Lent, Donald  
Rollo, Michael  
Twardus, Joseph

### SULLIVAN

Burling, Peter

Cloutier, John

### NAYS 125

### BELKNAP

Bartlett, Gordon

Boyce, Robert

Johnson, James

Wendelboe, Francine

### CARROLL

Dickinson, Howard

Kenney, Joseph

Sullivan, P Judith

Torressen, Gary

### CHESHIRE

Avery, Stephen  
McGuirk, Paul  
Pratt, John

Batchelder, Robert  
Meador, David  
Richardson, Barbara

DePecol, Benjamin  
Mitchell, McKim  
Roberts, William

Lynott, Margaret  
Pratt, Irene  
Rose, William

### COOS

Landers, Dana

### GRAFTON

Akins, Ralph  
Gilman, G Michael  
Johnson, Gary

Alger, John  
Hall, David  
Mirski, Paul

Brothers, Richard  
Harmon, Hobart  
Solow, Martha

Eaton, Stephanie  
Hinman, Harry  
Weber, Phil

### HILLSBOROUGH

Andrews, Frederick  
Christiansen, Lars  
Garrish, Linda  
Herman, Keith  
Jean, Loren  
Mendenhall, Leslie  
Wall, Nancy

Beaupre, Roland  
Daniels, Gary  
Gorman, Mary  
Herman, Richard  
Lefebvre, Roland  
Moran, Edward  
White, Donald

Bergin, Peter  
Fletcher, Richard  
Goulet, Maurice  
Holley, Sylvia  
McCarthy, William  
Murphy, Robert  
Withee, Dennis

Bruno, Pierre  
Flora, Kathleen  
Hall, Betty  
Hunter, Bruce  
McColgan, Philip Jr  
Rowe, Robert

**MERRIMACK**

Chase, George	Fortnam, Janet	Fraser, Marilyn	French, Barbara
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Lavoie, Gerard
Marple, Richard	Owen, Derek	Poulin, Dave	Rodd, Beth
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	

**ROCKINGHAM**

Beaulieu, Jon	Clark, Vivian	Fesh, Robert	Flanagan, Natalie
Gibbons, Paul	Hamel, Albert	Henderson, Warren	Kobel, Rudolph
Letourneau, Robert	Mikowski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard	Reardon, Neil
Rubin, George	Sapareto, Frank	Splaine, James	Stickney, Nancy
Vaughn, Charles	Weyler, Kenneth		

**STRAFFORD**

Bickford, David	Brown, George	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Gilmore, Gary	Johnson, Nancy	McKinley, Robert
Pelletier, Arthur	Pelletier, Marsha	Spang, Judith	Torr, Franklin
Vachon, Dennis	Woods, Phyllis		

**SULLIVAN**

Allison, David	Donovan, Thomas Jr	Flint, Gordon Sr	Jones, Constance
Kibbey, David	Leone, Richard	Phinizy, James	Tuthill, John
Wiggins, Celestine	Young, David		

and the majority report was adopted.

Ordered to third reading.

**DEBATE ON SENATE BILL 472**

Rep. Burling moved that the debate be printed in the Journal.

Adopted.

Rep. Phinizy: Thank you very much, Madam Speaker. Before I start, I would like to thank the honorable colleague and representative from Wolfeboro, the Chairman of the Science and Technology Committee and his entire committee. Throughout this entire debate and discussion our honorable colleague has been very open, evenhanded and very fair in his handling of this matter and I would like this body to commend him for that. That being said, I rise in opposition to Senate Bill 472, as amended, and would ask this body to overturn the committee report and consider the minority position of Interim Study. While it may be represented that this legislation is the definitive approach to a settlement, deregulation and, therefore, competition, it really represents nothing more than a corporate entitlement and does not achieve the desired end, true laissez-faire competition. We are told that securitization is considered the linchpin to reach a settlement, attain competition and justifiable compensation to Public Service of New Hampshire for stranded costs. But, what are stranded costs? They are nothing more than unrecoverable costs which the utility could not pass on to its customers in a fair and competitive market. They are, among other things, the purchase premium Northeast made for Public Service over the budget costs of Seabrook and premium costs of the power producers. They are costs as a result of erroneous projections in the past and poor management. Securitization is nothing more or less than a cash settlement on the utility and an advance for these costs. The customer, however, is going to be obligated for 12 years to pay over \$825 million regardless, and I say regardless, of whether or not rates rise and regardless of whether or not Public Service or, if the merger goes through, Consolidated Edison is even financially solvent in six or seven years. Now, one criteria for securitization is the sale of Public Service's fossil and hydro-generation plants. A requirement of the sale is that these plants may not be bought or bid by Public Service, Northeast Utilities or its potential acquisition partner, Consolidated Edison. Competition, accordingly, would be assured and deregulation incontrovertible if this were to occur. But will it occur? Actually, acquisition of these assets by Consolidated Edison is absolutely unnecessary for it already has generation capacity rendering moot the criteria for divestiture or

rendering moot the argument that they should or shouldn't be able to pick-up these generation assets. In reality, competition will not be any more immediate as a result of this. Deregulation and competitive choice will not be advanced any sooner. Are we not exchanging a smaller fish for a larger one in the financial food chain? Securitization will merely transfer the burden, which is a result of previous market mistakes, from the utility to you all and your constituents, the ratepayers. It has been represented that securitization, issuing rate reduction bonds, is much like refinancing high credit card debt with lower interest home equity loans. Were this the case, there truly would be more of an incentive for the ratepayer as there would be a tangible asset upon repayment. But, there isn't. In the case of securitization, it is more like a collateral note where not only does the ratepayer actually be the co-signer for another's debt and not only does the ratepayer pay down the principal and interest as well, but there is only a hint of a benefit and nothing more tangible possibly than three, four or five years of reduced rates. Let's look at some of the aspects of the amended version of Senate Bill 472 and I would refer you to your Calendar if you would like to look at it; specifically, on page 1287 and I believe it is RSA 369-B:3 IV, section (5) (B) (iii) "From 30 months after competition day until 60 months after competition day, the commission shall, upon petition and demonstration by PSNH that its achieved return on equity for the previous 12 months is less than five percent before taxes, increase this delivery service charge by an amount that will allow return on equity of 5 percent before taxes." Think about that. Is this conducive to competition? Is this a level playing field? It looks suspiciously like a glass floor through which rates will not go should the utility suffer at the hands of competition or bad management. Let's go to another page, on page 1288, RSA 369-B:4, VII "Notwithstanding any statutory or regulatory language to the contrary, end users who generate or acquire on-site electricity for their own use as permitted by existing law and regulation in effect as of January 1, 2000, shall not be subject to an exit fee in whole or in part. An exit fee is any rate or charge that is based in whole or in part on the amount of electric power and/or retail electric service a customer might have purchased from or through an electric utility but does not, for any reason. End users who generate electricity for their own use shall include joint users of electricity, including their on-site successors and assigns, who are using electricity generated primarily for their own use at a site owned by one or more of such users, and such users or their predecessors were sharing the provision of power as of January 1, 2000." Now, is this laissez-faire competition or, in reality captured market? By requiring customers, we, as I said before, the end users, are to pay securitization charges regardless of choice. It is an attempt to lose load-loss. Load-loss is basically the concern which will be explained and load-loss has to deal with growth in electric usage or consumption. It is definitely to insulate the utility from competitive market forces. I refer to the transcript of the Joint Electric Oversight Restructuring Committee on Monday, May 1<sup>st</sup> and I'd like you to read some selections because if you don't mind and you'll indulge me, I think there is a bit of confusion in here and I think this is why we need to go to the interim study. The honorable member from Loudon asked one of technicians or one of the experts a very interesting question and his question was: "In your formula here, where are the assumptions? Are they just in energy costs? Why should we at this point agree that those are probably accurate over the next 12 years?" Now, bear in mind that 12 years is basically the life of the note or the life of rate-recovery bonds. He also asked: "Wouldn't we be better off not signing on to something that is going to bind us for 12 years?" The expert replied: "I mean it is an excellent question. We did make assumptions in 1989 or whoever was involved with — and I'm going to have to edit here by saying with the settlement at that time — made assumptions that didn't pan out. There are some protections in the settlement agreement and modifications to the eventuality occurring here as well. The primary assumptions built into this are energy cost forecasts. They have two effects on the analysis. One effect is critical to your support." Now, let's go on. He sums it up by saying: "So, for example, if energy prices" — and this is interesting about the stranded costs, — "if energy prices go way up, alright, then what ends up happening is that in the future, not in an unpredictable manner, then we would have paid over this period, or we will end up paying over this period, too much for stranded costs. The reason for that is because we will have effectively sold off all our generating assets for too little money." He continues to go on and he says, "We can't forecast energy prices perfectly." And, he sums up the thought by saying: "That's the bed we are making, in many respects as a result of the entire process." I then continued on and I was reading this transcript. I attended the hearing, and I was reading this transcript and the honorable member from Dover who will address you a little bit later on, asked a very interesting question regarding securitization and regarding load-loss: "But,



would you also say that there are some other assumptions you have accepted and that is that there wouldn't be significant load-loss?" The response was: "Well, there is in all of this analysis not only is there not load-loss, there is an average two percent a year load-growth." This is a key issue. At this point the honorable representative from Dover responded by saying: "I mean certainly if we look at a paper mill, such as one up in Groveton going off line, we are looking at a fairly significant load-loss initially. I just want to get on the record that this could be an underpinning that could actually collapse and we could be looking at another huge dilemma six or seven years from now." I could go on and I could read to you aspects about this and you will see within this transcript there are contradictions. At one point, you have the experts and the committee discussing whether or not utilities will grow; whether or not there will be a growth and load factor and just exactly what is going to happen and what is the justification. One of the summations I thought was utterly phenomenal that justified this two percent growth and, therefore, why we should have securitization was: "There is a very close correlation between income and electricity consumption and we find that this phenomenon, when you decrease rates by 16 or 18 percent, you allow the consumer surplus to stay in the hands of the ratepayers and they will spend some of the money on more electricity." Now, is that a scientific analysis – and they will spend some of the money on more electricity? It's automatic. They'll buy an appliance that consumes more electricity or they will buy an additional appliance. Now, is that what we call logical analysis of the situation as to why we are expecting about a 35 percent growth and I'm doing a simple compound over the next few years? I don't think so. At any rate, what is evident is that securitization is somewhat based upon the growth in load or as we want to call it colloquially, the demand for electricity. Growth in this formula is absolutely necessary. Where have we seen this before? Should projected growth not occur and load or demand taper off, then the obligation to the ratepayer will be extended for two additional years to a total of 14 years. So in actuality this is a note that could go two years beyond the original projection day. Regardless of competition and regardless of whether one self-generates and regardless of whether the utility is even around by year 14, this is a problem and should load growth significantly grow, then we will have paid way too much. I consider this a lose-lose situation. Yet, load growth is based upon uncertainties and faulty assumptions. Remember what was in the transcript quotes and the principle is we can't forecast energy crises perfectly or, "there is a very close correlation between income and electricity consumption." When you decrease rates by 16 to 18 percent, you allow consumer surplus to stay in the hands of ratepayers. Now, we are making some assumptions based on the very simple fact that this whole growth pattern is going to continue for another 10 to 12 years and we are already into about 10 years of what I consider a very strong growth cycle. I consider the projections to be somewhat faulty. At any rate, this presumes that we will have continued economic growth for the next 12 years and we will continue to use wasteful gadgets and that we will not strive towards advances in alternative generation. There are contradictions that are well, well established in a lot of these assumptions. I stand in opposition to securitization as it does not offer a level playing field where companies can compete in a heads-up manner and I want to read one last thing and I thank you for your indulgence. This comes from a fellow who has been the Attorney General for the state of Michigan since the mid 60s and he stated in his opposition to securitization, I think this is a very important point: "A competitive market exists when there are few, if any, barriers to entry such that many buyers and many sellers can come together to allow competition to drive down the price of electricity. Real and meaningful competition in an open market also must include a level playing field for all competitors, not just the current local monopoly utilities. No participant in the electric marketplace should have artificial advantage derived as a result of the previous regulatory scheme." Now, think about that. The single greatest failing of the securitization concept is that it does not allow, and in fact impedes, competition. It creates barriers to entry and a playing field skewed in favor of the incumbent providers and thus the price of electricity will not be driven down. It does not benefit, therefore, the ratepayer, the customer or the end user. It does not benefit the utility but it does benefit the utility and stockholder as evidenced by ConEdison's rather precipitous quick acquisition offer. I wonder if it were a true quid pro quo, meaning to say, that if there really were a true equation to this, that if it were a true quid pro quo and an equitable trade, would Consolidated Edison have been so quick off the mark with an offer to purchase Northeast Utilities? I'd like you think about that. Now, as an investment advisor looking at the protections and the cash asset position due to securitization as a result of the stranded costs, I definitely would recommend acquisition of the utility by another utility. However, as an advisor to my constituents I cannot recommend securitization.

Thank you, Madam Speaker and thank you all very much for your indulgence.

Speaker: Would the member yield to questions? Rep. Cloutier, you may inquire.

Rep. Cloutier: Rep. Phinizy, I'm going to ask you the opposite sort of question I asked the Chairwoman of the Science, Technology and Energy Committee this morning. Can you tell me why should I vote against this agreement because frankly I'm one of the representatives and there are some out there who live in communities where we are not serviced by PSNH and if I vote for or against it, it is really not going to affect my constituents that much in my opinion. So I'm wondering why I should vote against this since the overwhelming majority of the Science, Technology and Energy Committee has approved this bill.

Rep. Phinizy: Thank you very much for your question. I could indulge this body with another speech for about 20 minutes, but I don't think they would appreciate that. Why you would want to vote against this is, very simply, it is not good enough of a financial arrangement. If we look at New Hampshire as a corporation and we consider our bond rating as far superior to the bond rating of Northeast Utilities, I feel that what we should be getting out of securitization is a much bigger bang for our buck. I've filed legislation to that effect requesting, effectively, an annual premium and little bit of an action or play with any profits that may be derived from the sale or the merger of the utility. So, if you subscribe to securitization and you like the idea of the indebtedness, the only thing that would justify it would be us receiving more of a kickback. Does that answer your question? So, therefore, I wouldn't vote for it for that reason.

Rep. Guay: Thank you, Madam Chairman. Before I start, on the table in the back there are some charts that have been prepared by the consultants as well as the Science and Technology Committee so if you want more information on charts that is going to be discussed later by Reps. Bradley, MacGillivray and Norelli. I'd like to say that this is not a new item. On Science and Technology, we have been at this for at least four or five years. The first thing that happened were the roundtable discussions that took place at the PUC. From there, I believe that the Attorney General at that time was Jeff Howard or Steve Merrill, so we go back a little ways on this. It is not something new that just came out that was presented this year that we are going to be acting upon. To this date, we have heard a lot of scenarios. We've seen at least, I would say, about 12 feet of documents that were presented between the PUC, the electric industry and some of the members that were involved in the restructuring. Jeff MacGillivray, the MIT professor that we utilize in writing a lot of our material on the Science and Technology and we pay the huge sum of \$100 a year, tells me that it is more like 20 feet rather than 12 feet so I take his word for it because he read much more than I did. I'd like to say this afternoon you are going to be hearing a lot of people that will come in before you, probably, saying this is not a good bill, that we should be doing something else. Just think for a minute, I had the idea, let's buy them out. Many of them thought the same way. How many years in court would we be? We checked with our consultants that we have hired. We could be forever in court in trying to acquire by eminent domain. So the committee, in looking in all the aspects of it, is more or less ruling that out. There are a lot of good things that could happen but what we are presenting to you here this afternoon is factual, what did happen, and just a start. When we started on this particular restructuring we had the principles that we had a bill on 1492, I believe it was that time or 1392, and we established the criteria of how we were going to move and do something. To bring you up to date and furthermore before we go any further, the Science and Technology Committee has asked the leadership of the House not to whip this bill. It should stand on its own merits and we have done a lot of work on it and I think we understand it much better than those probably that would be doing the whipping. We asked that this bill would not be whipped. Hopefully, we can convince you this afternoon to pass this bill because it is very crucial that we move ahead. If we don't do that, we will have business as usual and we will still be the highest in the state, just remember that. That could do it without us and still be much higher. Securitization, if they want it let them pay for it. I can tell you right now that Public Service Company is not happy about the Science and Technology Committee. They have never been happy. I don't think they are going to be any happier if we pass this bill this afternoon. Just this last year, on June 14, 1999, a memorandum of understanding was filed with the PUC by the settling parties who included the Governor and the Energy Office, the AG, certain staff of the PUC, Public Service Company and Northeast Utilities. It provided a basic outline for settlement of restructuring Public Service Company with the signatory agreement to work towards the development of a formal settlement document. At the end of the session of the legislature, House Bill 464 that we passed established the

criteria for the Public Utilities Commission to use when judging the anticipated Public Service Company settlement proposal and it should include securitization. Though the bill did not contain securitization at that time on House Bill 464, it provided a means for Public Service Company for the PUC's deliberation on the anticipated settlement. To compare the settlement to the alternative scenarios just as completing the existing Public Service rate case and you are going to be hearing about the rate case which we evaluated completely with our consultants. That bill also authorized the legislature to hire a consultant to assist reviewing and anticipating settlements of other electric restructuring matters. At the end of July, the Electric Utility Oversight Committee issued a request for proposals to hire a consultant for the General Court and established a select subcommittee to review the submissions and to make recommendations to the full committee on the oversight. The selections subcommittee reviewed 11 proposals submitted in response to the RFPs and held interviews with five of the responders in August. On September 8<sup>th</sup>, the Oversight Committee agreed that the team of Dr. Richard Silkman and Attorney Anthony Buxton should be hired as the General Court consultants to recommend by selection of the sub-committee. The Oversight Committee has held 12 meetings with the consultants. The meetings have been dedicated to reviewing the Public Service settlement proposals. The Oversight Committee has taken the following action: On January 14<sup>th</sup>, they adopted the preliminary position on needed changes on the Public Service Company settlement which subsequently filed with the PUC by Representative Bradley. Those long English words, you know, are sometimes a little hard to say. They are better off in French. I can write them but the tongue is in French. On February 23<sup>rd</sup>, they adopted a position of General Court of Representative Bradley's final brief to the Public Service settlement docket. We had discussed this on the Oversight Committee. We agreed on it. Jeb Bradley filed it on benefit of the Committee and we reviewed possible securitization legislation. The consultants have prepared the following document for the committee. We didn't come into this House and just write the bill ourselves, the consultant that we hired, which is the best in the country and they are out of Portland, Maine, they always fought for the consumers. I made sure when I was on the Review Committee that it was not somebody involved with public utilities, that we could be getting some wrong signals. So, they never, according to them, they always represented the majority of the consumers and the customers. A preliminary settlement comparing the proposed settlement with the likely range of the outcome should the traditional rate case be pursued, with or without securitization. That was done by our consultant. So we are not coming in today blind and say that we should have a rate case. We have done it, we've been through it, we've examined it and we feel this is the best way that we are presenting it to you the way the bill is today. The preliminary legal analysis concluded that the 1989 rate agreement between the state and the Northeast Utility is not a contract and even if it is, Northeast Utilities has breached it by failing to fulfill its commitment under the energy-sharing agreement as referred to in the 1989 rate agreement and that was prepared by our attorney, Buxton. The preliminary proposed change in the Public Service settlement based on the preliminary position documented and adopted by the committee on January 14<sup>th</sup>, the PUC action on August 2<sup>nd</sup>, the settling party filed with the PUC the proposed Public Service settlement. In mid-August, the PUC opened the docket on the proposed Public Service settlement and used other Public Service Company of New Hampshire proceedings, such as the rate case pending the outcome of the settlement review. The settlement proceedings were broken in two phases. The first phase in mid-August to mid-November, the PUC heard testimony from settling parties who were questioned by non-settling parties on the merits of the settlement and decided that the settlement was worth further consideration and proceeding to Phase II. In Phase II in November through the present, the PUC heard testimony from non-settling parties who were questioned by the settling parties and have taken final briefs from all including one filed by Representatives Bradley and Gilmore. The PUC issued an order on April 19 approving the settlement with certain conditions. Public Service of New Hampshire accepted most of the conditions but requested and was granted re-hearing at the PUC concerning IRS restrictions on \$78.6 million and certain additional stranded cost reductions. Now we are in the year 2000 of the legislation. Sen. Below, who was a good member of the House at one time, with numerous House and Senate co-sponsors, introduced Senate Bill 472 the day after the PUC order was issued, but we had been working on that bill for several weeks prior to that as a whole committee between the Senate and the House. It authorized securitization for Public Service of New Hampshire should certain conditions be met similar to those contained in the PUC order. Senate Bill 472 passed the Senate with the amendment on May 3<sup>rd</sup> and the bill is here to be voted



on today. I would ask you, I think this is the time that we have been waiting for. I would hope that you vote for this particular bill. I have been here for 22 years. I've seen what happened to the others and it is nothing compared to what happened in 1989. We never spent that much time in the House but we did this time and I think we did a tremendous job. I praise the Science and Technology Committee and praise the people on that Science and Technology Committee, the engineers, a graduate of Dartmouth, of Tufts University, ATT and Bell Atlantic and all the good people that we know and they know what the utilities are. When you deal with utilities and you have utility people on the other side that really understand the questions that they want heard have to come out one way or the other. I would ask you today to be very cautious in hearing from the other side, because, actually we wished that the other side would have sat with us for the last six years. The questions they bring out to you are legitimate. There is no question about that. I had the question that we wanted 6.5 cents a kilowatt hour and that is it, but to be factual it may happen in five years, it may happen in six years, but to tell you actually what we did in the restructuring of utilities as far as the telephone company you are just starting to see something happening, where they call you up and they say five cents a minute, six cents a minute. Before it was a monopoly just like the utility. The market took place and the market is going to take place on this one here. I just hope that those who have been coming up to me many times and saying: "Let's buy them out, let's do this, let's do that," were the same people who at one time were involved in the other Granite State Electric to a certain extent. I don't want the United Kingdom to come out and buy everything here. I think we threw the kings and the queens away a long time ago and they are not about to come in and control this part of the country and I hope that ConEd, when they merge with NU, hopefully that this is it. So, I would ask you today to be very careful in listening and especially listen to Rep. Bradley who has certain things to be talked about, Rep. Norelli that has something else on the technical part as well as Rep. Bradley and possibly Rep. MacGillivray, which I don't know what happened but somebody shut his transformer off. He can't talk. He's got laryngitis, but he may be able to say a few words. So bear with us and hopefully before the day is over, that we need to pass this so we can have a committee of conference and I don't anticipate much changes in the committee of conference but it will come back to this House. So please, help us out. Let's conclude. Let's do it and I hope you vote for it.

Speaker Sytek: Would the member yield to a question? Rep. Dickinson, you may inquire.

Rep. Dickinson: Thank you, Madam Speaker. Rep. Guay I take it then that you are very pleased and proud of the deal you put together.

Rep. Guay: I've been looking at utilities since 1970. I've never been proud of any deal that they make with us. Actually, I'm proud of what the Committee is doing, but I would be more proud if we could cut it in half, but it's not going to happen. You have to be factual. You have to be realistic and you have to move ahead. And if we don't then I'd hate to see the future.

Rep. Dickinson: Are you aware of the fact that Wall Street has a lot of confidence in what you've done because the price of the Northeast Utilities stock hit a four-year high last week?

Rep. Guay: I didn't know that because I don't buy the stock. I don't buy stock. But I can tell you when we first started in here in New Hampshire, we were one of the first ones that started the deregulation and this is across the country and the natural gas has got a lot to do with that. Actually, we are going to become one of the last ones to pass it. So, we have been cautious. We've been careful. We refined and refined all these documents until today. Does that answer all your questions?

Speaker Sytek: Does the member yield? Rep. Marple, you may inquire.

Rep. Marple: Thank you, Madam Speaker. The concern that I have is on this securitization here. This is what was put out by Reps. Bradley and Norelli and MacGillivray on May 11<sup>th</sup>. My concern is over this part here: the securitization is a process that creates a bond of \$688 million for PSNH in stranded costs. Now, PSNH receives cash of \$688 million and the bonds are guaranteed for repayment by customers per this legislation. My question is: is this constitutional? Can this legislature encumber everyone of the people that are purchasing this electricity in the future? Do we have a contract here? How can we contract the people that are purchasing this from a private corporation?

Rep. Guay: To answer your question, I believe that our attorney, which is one of the best and they have 65 members in their law firm, I think if we get into that problem, they would have told us. My understanding is that it is constitutional. But as far as it goes on this, on the technical questions of the merits, I would leave to Reps. Bradley, Norelli and MacGillivray which we assigned for that for today's purpose so that we don't answer twice. We want to give the right answer.



Rep. Rose: Thank you, Madam Speaker and members of the House. I am against the majority Ought to Pass motion but I agree with the minority report for Interim Study. I feel that there are too many unanswered questions with this, even though we have a lot of information. We almost have too much information and it makes it as if you are looking into a fog when you look at the PUC booklet especially. As many people say, the settlement or the agreement or contract or whatever it is or will be, because it hasn't come to the point where there is a contract or an agreement yet. This is just a preliminary until the PUC and the legislature can reconcile some of the differences and there are some differences in one and the other. This \$688 million plus \$137 million to buy down the wood-to-power generating plants is actually only part of the stranded costs. There are many millions more involved and we will be paying the stranded costs for a long, long time; probably until 2026 or even until 2030. Who knows? Nobody knows. The PUC does say, in its docket and you have a copy of it, 99099, that quote, this is a quote from the PUC booklet: "Ratepayers will shoulder approximately \$1.9 billion to \$2.3 billion of claimed stranded costs." By the way, we have never really had substantiation of what these claimed stranded costs are. They just give us a total. That's not much. This is a quote: "Despite the benefits of the settlement, rates will remain high, above the regional average for a significant period." This is the PUC talking: "...and the commission finds, that the settlement as filed, is not in the public interest." Changes, orders or recommendations are in docket 99099 if you want to look it. They did say that stranded costs must be reduced by \$78.6 million and this is why today they are having that hearing down at the PUC because PS — I call them PS because I don't like to put the NH on there, it is not a naughty thing, just I like to call them PS — PS doesn't agree with that, that's why they are going for a consultation I guess you'd call it, and a consultant, that Larry Guay was talking about, the consultant to the joint committee said: "NUPS may have overstated its stranded costs." May have overstated it. Many people think it is way out of line. They may have overstated it by about \$400 million. That is quite a lot. Since they are writing off the same amount, they are actually recovering most of their stranded costs, basic stranded costs. What they are giving to ratepayers is two or three years of a nice little carrot in the first two or three years but then they are going to tuck it to us, I'm pretty sure. Can we really trust NUPS management? I use that word management because it is probably only two or three people, because of the merger, two or three people are running this whole thing, I believe. Can we trust them to abide by any new agreement or contract if you want to call it that? By the way, we should figure out and the PUC should figure out is this what the contract is going to be or is this just an agreement? Perhaps we do need a contract. Last time, we had an agreement and they called it a contract. Now, we should call it a contract. They will probably call it an agreement. Who knows? They violated the 1989 agreement in 1997 and I think it was last year. I think it was last year, wasn't it, that they were fined \$10 million by the federal government for violating safety regulations at their nuclear plants in Connecticut, Millstone I, II or III, I forget. I can't remember a lot of things about deregulation and utility industry competition. Are we going to have competition? It doesn't look like it from this angle. Where is the competition coming from? I don't think there is going to be any. Now, if Con Edison merges with NUPS, I believe that competition will be largely a myth and will evaporate over time. Now, here is my effort at a little comedy here. The electric cow in the electric pasture could evolve into an electric bull elephant and who can compete with a bull elephant if their names are Ed, NU and PS, I mean ConEd, NU and PS? Finally -how do you like that word "finally" — new babies born this year, new babies born this year in the hospitals in New Hampshire and maybe others that will move here when they grow up and get married, have a house or an apartment and living in bliss, they will look at their electric bill, and guess what? They will be paying stranded costs of the Seabrook nuclear plant until at least 2026. Do we want to leave this kind of legacy to our children and grandchildren? I don't think so. A long time ago, Nelson Rockefeller was running for President and he said that we should pay as you go. Is this pay as you go or is this pay and pay and pay and make our grandchildren pay? Thank you very much.

Rep. Naida Kaen: Thank you, Madam Speaker. Members of the House, I don't think it would be very productive to go through every detail. I was elected to this House in 1995 and have been on the Science, Technology and Energy Committee since then. Soon after my election, since we were in the throes of drafting the legislation presumably for competition, I was honored along with the members then of Science, Technology and Energy who stood before this House and were applauded because we were the first state to vote in a bill to presumably move us forward into competition. Now, competition in the electric industry is possible only in terms of the purchase of your energy.

We will still have a monopoly when all is said and done in terms of the delivery of that energy to our homes. Keep that in mind. We'll be left with a utility that will continue to be a monopoly but we'd like to move away from that because monopolies aren't very efficient. They aren't forced to be cost effective. In place of the market controlling them, we have a Public Utilities Commission who attempts to screen and scrutinize the costs that they incur. That is the situation we've had for all these years now in terms of this natural monopoly. We now have an opportunity to spring free of a piece of that. Only a few months ago, I stood in front of you and argued that we ought to tread softly. I spoke against securitization at that point in time. I'm not speaking against securitization now because I think it is the best course of action that stands before us. We need to forget the past. This state and this state's government participated in the 1989 rate agreement. We bear some responsibility for that and so do the shareholders of Public Service Company of New Hampshire and their successors. However, what we do now today must be what is in the best economic interests of the state of New Hampshire. We have to look ahead and decide what are our choices. We can continue to hold firm and refuse to offer this legislation as security for the bonds that are going to be issued and we can continue to pay stranded costs until litigation, years and years of it; continue and in the meantime we continue to pay stranded costs. We have no way of knowing how long that will take until we reach resolution. I have been on the fence on this issue for a long time. I'm concerned about the irrevocable nature of what we will do here today if we vote this in. However, in contrast to that we are approached by businesses who are concerned about being able to budget for the future, being able to make decisions for 10 or 12 years into the future about just what will happen. In my private life, I have recently taken up real estate. What I have discovered is that when there is a good deal of uncertainty with regard to a property, people assign an enormous discount. If you can make that property look very nice, as though there is nothing wrong with it at all before you sell it, people will often offer the asking price. But, if there is some question about the septic system or about the roof, they are going to assign the highest possible cost in their own minds to protect themselves. Well, businesses will do the same as far as the state of New Hampshire and expansion and location here are concerned. They will hesitate because we have not achieved resolution and they will assign a very big discount to the probability of things going even more awry in the future and that, basically, is why I have decided to come down in favor of this legislation and no longer to sign on with the skunk button bearers that you see among you today. I think we need to come to closure and we have before us and heard before us from the consultants who are very creditable experts in the field, their assessment that this is probably the best deal that we can cut, that this is probably as far as we can go without being accused of taking a public utilities property. In that interest, I stand here before you and ask you to vote for the legislation that is in front of you and hope that, and I assure you I will be watching as well as every member of my Committee, that what comes out of a committee of conference will, in fact, result in an outcome that will give us a competitive market in one aspect, the energy section. Maybe someday we will be free of the rest of the monopoly as well. This is the best we can do for today. Thank you, Madam Speaker.

Speaker Sytek: Would the member yield to a question? Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker and thank you, Representative, for taking my question. I commend you for the thought of competition, I agree with that. But, I understand there are four states in New England that are trying to do the same but they haven't gotten to it yet because of competition not coming to the prices. Now, I understand from my co-op which is now in competition, pure and simple, that is what we went to, that we are going to have a price of about five cents over the next year, so why in this deal don't we just go to competition and face into the five cents rather than having what looks like to me ...(tape change).. deferred because of the fact it is 4.2/4.4 why didn't we go directly to competition? Thank you.

Rep. Naida Kaen: I think there was some concern we've already shortened that transition period. There was some concern that there are among us individual consumers who would be shocked by having and perhaps completely confused by having to deal with the same thing we are currently dealing with as far as telephone choices and this constitutes really a compromise. I took your position, too, Representative, to some extent, but I was persuaded by the argument that we need a transition period. I think a two-year period will allow that market to develop.

Rep. Alger: In the Wall Street Journal on May 11<sup>th</sup>, there was an article about the problem of generation. We are not seeing gas-fired generation being built so I am very skeptical to your point that we will see that and these New England states are already hung-up. Isn't it possible that we'll just get hung up on transition pricing and never be willing to face the market and be back in some form of regulated utility again?

Rep. Naida Kaen: I'm sure anything is possible but I certainly don't envision that. I do hope that when the two years are over with, we've had enough attraction to the market and a critical mass among other the states in the area so that this will develop as it did in the telephone industry. I'm sorry, I don't have perfect foresight either.

Rep. Dickinson: Thank you, Madam Speaker and fellow members. I rise in opposition to the majority report and I'd like to put this in some historical perspective. I've been here for 26 years. I was here when the Clamshell Alliance was holding up Seabrook down at the shore and that is the reason we are here today with these problems. They completely shutdown Seabrook and cost PSNH an incredible amount of money. That was followed up by a restriction against being able to charge construction works in progress. The telephone company can charge this and does it all the time, but PSNH couldn't. We now realize that was a tremendous mistake and that was made in the late 70s. Now, we have about every 10 or 11 years this kind of thing happens. So, of course the thing that happened was, of course, PSNH went flat broke and bankrupt and in 1989 we were persuaded to make a deal which was absolutely terrible and we are all paying for it now. Now, I understand that the Science, Technology and Energy Committee is very pleased and proud with all the effort they put into this proposal that you have before you. I would be, too. It has taken a tremendous effort on their part and they really have done the best they could do given the circumstances. The only problem is we are not good at making these deals. The private sector, ConEd, Northeast Utilities, pay hundreds of thousands of dollars to individuals to figure out a deal which makes sense to them. I'm not saying we shouldn't be able to compete, but somehow we, the state, never seem to get a good deal and I am very nervous about the current proposal. I'm ashamed to say I voted for the deal in 1989 and I'm not going to do it again and I ask all of you to please vote down the committee report and let's see what happens. There are those who say the consumer will make out much better if we go to a rate case and I'm inclined to agree with them. The stockholders of Northeast Utilities will not make out better and I'm not worried about them because what I'm worried about and concerned about are the people who pay for electricity in this state of New Hampshire. Thank you very much, Madam Speaker.

Rep. MacGillivray: Madam Speaker and ladies and gentlemen, I rise in support. My voice won't hold out long so you won't get a very long speech today. That should please some of you. First, I would like to draw your attention to the chart that has been shown to many of you that says business as usual is worth about \$200 million dollars more than Senate Bill 472. Ladies and gentlemen, we've been asking our financial consultants since day one to please give us apples-to-apples comparisons to make sure we have similar assumptions in every case so that we don't have problems like that. Unfortunately, that chart is not apples-to-apples. I can add and subtract and it is just not there. If you use different energy prices and make a few other different assumptions, you'll get a funny comparison. You need to look beyond the first eight years because after the first eight years all sorts of good things happen under Senate Bill 472 that don't happen under business as usual. One of the things that SB 472 does is it takes a large block of costs which we would be paying for Seabrook between now and 2026, it gets them all out of the way by 2012, so you have savings in those future years and they are worth something. The PUC stopped its chart after eight years, so the person doing the comparison stopped his chart after eight years. But in the ninth year, as you can see from other charts we did, there is a huge saving for Senate Bill 472 because at that point the stranded costs charge goes down because at that point a whole bunch of stranded costs have been either paid or won't ever be paid and PSNH will have to eat them. I'd like to comment further on an assumption that is built into the business-as-usual scenario. To make it look good, they ask you to assume that you can securitize, that is refinance, a whole bunch of money while you are litigating whether you have to pay it or not. Ladies and gentlemen, one of the fundamental principles of securitization refinancing is that you don't refinance an amount and agree to pay it until you are done arguing over whether you are going to pay. So, we would wind up waiting a few extra years for the litigation to be completed before we could do that. What securitization is doing – we talk about this guarantee that ratepayers will have to pay this, but ladies and gentlemen, the ratepayers are paying these costs now, and under business-as-usual they are going to keep paying these costs, and the way they stop paying these costs is if they go off the system and if they go off the system under business-as-usual or Senate Bill 472 they stop paying these costs so that doesn't change. All of the red herrings regarding what if people leave the system, are just that, red herrings, because they come into play in both scenarios. The only difference is that people are less likely to walk off the



system if the prices are lower. The lower the prices the less attractive generating your own electricity is. Securitization simply takes costs ratepayers are paying now and would have continued paying anyway and refinances them at a lower interest rate. It is sort of like taking credit card debt at 12 or 13 or some other percent and refinancing it. Once you've figured out that you are going to pay it, why not bring the interest rate down to seven-and-a-quarter percent? You'll save a bunch of money that way. If the ratepayers are going to have to pay the costs anyway, why not reduce the carrying costs? Delay in securitization costs customers money. About three years ago, the PUC had a chance to approve some deals between PSNH and six of the wood-fired power plants. These deals would have produced \$150 million of customer savings by, in effect, refinancing some and not running the plants quite as much and the PUC decided there weren't enough dollars there for us. So what has happened, if we went back and tried to recreate those deals today we might get \$80 or \$100 million instead of \$150 million. During the past few years, we have paid those stranded costs and the potential savings as a result of the delay have quite literally gone up in smoke. If a rate case were conducted, suppose we were extremely fortunate, suppose we get an outcome better than what the PUC thinks is reasonable best case, an outcome better than what our consultant thinks is a reasonable best case. Suppose we get the \$200 million extra but given that PSNH has taken us to court over everything else, they'll probably litigate this one as well and after a few years, we may find that even if litigation goes as well as we have any reason to hope, the extra delay in securitization winds up costing us back all the dollars we got from a better settlement in litigation. Now, as you know, our track record on litigation has not been actually stellar. We haven't won too many an, quite frankly, what we may be doing is comparing what we might get with what we can get and it may turn out that what we might get, the extra \$200 million, is not only a low probability occurrence but it is one that is accompanied by enough extra costs that we don't really win. Of course, if we lose the litigation, then we will be even worse off because we won't get the \$474 million in write-offs. We won't get the \$300 million in securitization savings because time has gone by. We'll get a smaller number. So, to come out ahead with a rate case we'd need an extremely good result from litigation, inconsistent with our track record, and we'd have to get it fast enough that delays in securitization savings didn't offset that almost-entire gain. Me - based on what I've been told by our consultant who told us from the start, the settlement, as proposed, isn't good enough just like the PUC said, but who also said put another \$100 million into this and it is a better deal for ratepayers which, incidentally, is what the PUC also said with \$101 million extra this is in the public interest - I'd rather take a bird in the hand than the promise of three-quarters of a bird in the bush. How soon will we see real competition? We are setting our energy price higher than most other places that have tried to set a ceiling on prices. People said they don't see the gas plants being built. Well, we've got our gas plants permitted in New Hampshire, we're just waiting for the folks in the power grid to hook them up and give them permission to connect. What we are seeing are some other plants are under construction and should be up and running within a few months, not necessarily in time for the tight market this summer when we will be very close to capacity. But, between these immediate plants coming on this fall and a bunch more coming on in the next year, we will have a more competitive market with some reserve capacity in place for the future. Ladies and gentlemen, this issue is too important for politics. We're paying all of these costs now. We're overwhelmingly likely to be required to keep paying them in the future. Senate Bill 472 gives us \$474 million in PSNH write-offs, \$101 million more than the original settlement, and sets us up for over \$300 million of refinancing savings now. That is a lot of savings and we've looked at a lot of alternatives and none of them look like if you put a reasonable expectation on how things will come out in the long run and put in reasonable probabilities of different things happening, all of the alternatives look 100 million or more worse. Ladies and gentlemen, we've been digging into this issue for six years. We've had our consultants working for six months. We are ready to say this is about the best we are going to do. I hope we can convince you to vote with us in favor of the committee recommendation of Ought to Pass with Amendment. Thank you.

Rep. Donald White: Thank you, Madam Speaker. I rise before the body today to speak against this bill. With reference to one of the prior speakers, I'm glad that he brought it up because I am an engineer. The way I look at things is in the way in which I was educated to examine each component and if I ever designed a machine the way this situation has evolved into this rather sad component we call legislation, I would have been drummed out of the industry years ago. With respect to my friend from the North country, I have been at this for six years myself, I've read every docu-



ment. I'm a pretty good reader, I understand very well what I read and I can interpret it very well. That gentleman was in the unfortunate position of having to translate into French, which is not so easy. But this bill is called the final bill, perhaps. But it might be the final blow to ratepayers because if you notice that every single item that PSNH might think might be used to their advantage, they have pushed and shoved and whined and resisted right to the end, back to before the PUC again. They found another technicality and I imagine that they will do that as long as they are in existence. But that is not the real question. We are looking at and you have heard considerable about securitization so I'm not going to explain it, but to put it to you on the basis that unless you guarantee them this special treatment, and that is all it is, I don't know that the state has ever given this to anyone else for any reason, it is a bribe and unless they get it there is no deal. I think that is a wonderful situation for a committee to face. Give us the money or there is no deal. They have a certain amount, I don't know what it will eventually come down to if it is passed on to the end user. But the amount of money they will be able to use freely will help them let you pay over the next ten years about \$90 million a year in excess stranded costs that we should not be paying for in return for a savings if we securitize about \$22 to \$23 million that they are going to give us. If you play that to each year, you'll see it as a considerable difference. That is really not something I would understand is really logical, it would be to big business. The blurb also mentioned the fact that if they did not securitize immediately or take advantage of it, we would be paying about \$6 million a month that they would have to deduct. Now, we have been told: "Let's not look back", but I think maybe you should consider a couple of things. If you take \$6 million a month and you apply it over the past 132 months they've handled over or approximately \$800 million. These are not exact figures because the months may be a little bit off. During that period of time they transferred NU from themselves and from Seabrook in excess of \$400 million. I didn't see that anywhere in anything that they wrote down prior to this point, and yet we are told we should forget the past. It is an interesting situation to me. We were also told that the rate case had been calculated. It certainly has not. That again offends me as an engineer. If it had been done on parallel lines and they could prove conclusively that one was better than the other, I would stand here and tell you that it was, because an engineer must when he sees the figures. What it is, is speculation on what might happen best or worse case without the real foundation that you need to have. I respect the intelligence, the expertise of these people but as an individual who represents other people who trust me, I must know that this is an accurate projection and I don't know that and I'm very concerned about that. Then I have in front of me a lawyer's letter, seven pages, and I believe everyone on the committee and the other people have had it, and this letter states emphatically that there is no rate agreement. There is no rate agreement and why it has not been taken to court before this I can't explain to you. Why the PUC in its order I can't explain to you. I think this is a travesty. The letter goes on to say that if indeed there were that the companies have already abrogated that agreement by failing to do certain things that they were supposed to do under that set agreement and I have all the data and that disturbs me too because no one looked at that. So, I think you are being rushed to judgment. Now, I was also on the floor when the banner of HB 1392 was unfurled before this body. It was an outline of just and idealistic principles that I felt would direct this state towards something equitable for the people who have paid the bill for so long and I'm talking about the average individual, I'm not talking about business. They have succeeded and they have, in spite of the problems and in spite of the individuals who think that this might inhibit them in the future, kept coming into the state and have made this a better place. They will also by this agreement prosper in the next few years much more so than the average individual so that there should be no fear of any economic development interference whatsoever, regardless of what you do today. Our job is to see what we can do for the many. But, what I see you being asked to do is have that flag struck, folded and then placed away into a storage area for legislative dunnage to be looked on by historians in the future and wonder why these people did this and they saw no result. So, I will repeat that business has always had the courage to move ahead but they usually moved ahead on the basis of technology. If you look at the bill and examine it you will see there is a great possibility that the use of technology by individuals or groups to manufacture their own electricity at a lesser rate could be prohibited because PSNH feels that if this were the case, if this were allowed, they would not get the triple A bond that they desire so that they can get the money they want us to pay on an irrevocable basis. This is a very strange situation to me. It is something that I have been wrestling with for months. Should I free people from this discourse, from this irritation that is constant, or should we decide to be a little bolder, maybe

a little braver and say the heck with it, we are going to dig in our heels and we are going to take these people to court and we are going to beat them and I think we can? But, if we don't do that and we inhibit technology every other state in this country will adopt that technology. Then, if you are worried about the economic future of this state, then you have a real concern. You can't ignore that advance. You can't inhibit that advance and you have to, where it is useful to the individuals of this state, you must adopt that advance. But for me it goes even further than that, and I'll digress a little bit from statistics or opinion or speculation because a lot of it is. I'm a member of a school board. The past week has been one of the most stressful weeks I have had in my entire life. I sat in judgment in committee, in judgment on children who made bomb threats. This is a very hard thing to imagine. I had never run into it before where you are looking at these young people and understand how serious what occurred and the effect it had on the other children, the parents, the town and in the case of individual concern as well as economy. But I learned something else and as old as I am I guess you can continue to learn and to feel. When I looked at some of the parents, most of them are average people, many of them I think had troubles. One way or the other, the children were doing quite well but they had some aberrations that I guess helped cause what they did. It was a very touching thing to see, but what impressed me were these people of average income, of average intelligence, were decent people. They were very interested in justice. They admitted the crime. They said, "There has to be a penalty. What can we do?" Looking at these for the first time I think I saw the people I have been talking about for six years. Those are of real concern to me. Are we doing them the type of justice that I would expect. Are they gaining from this what I would like them to have? I just don't think so and I am very concerned about that. I don't like to lay that burden upon you but we all represent people like that, that don't know us. They are the unknown faces but yet they trust us and they expect us to do as well as we can for them. I think that is what I am asking today, that when you vote, you think of those people and what you may be able to do for them, if not now maybe at some other time. I think that is why we are here. I would hope that you support me but I will understand if you do not and I thank you for your kind attention.

Rep. Norelli: Thank you, Madam Speaker and thank you, colleagues. I know it has been a long afternoon. You've had an awful lot of information thrown at you. Keep in mind that the Science, Technology and Energy Committee has been working on this legislation for quite some time now. We have, indeed, spent a lot of time looking at all the nitty-gritty details and trying to make sure that we have crafted the best deal for the ratepayers of PSNH that we could craft. So, I want to make sure that we know exactly what those details are. As Representative Kaen told you before, the only part of the electric utility industry that will be undergoing restructuring or competition is generation. In a traditional market, we had a regulated monopoly utility. They had an obligation to serve everybody in their franchise territory and in return for that they were insured that if they invested prudent costs that they would recover those costs at a fixed rate of return. In fact, that is why utility stocks are considered very low risk stocks because they are going to recover their costs. When the legislature passed RSA 374-F, we made the determination that moving to competition was in the public interest. I happen to agree that that is still the case. In a restructured market, we'll still, as Rep. Kaen mentioned, we'll still have a regulated monopoly utility whose only job will be to distribute, transmit and distribute that power. The generation of power will actually be open to competition. This is similar to what happened with the breakup of AT&T. You still continue to have a "Baby Bell" that provided your local service while at the same time you were free to shop about for the best deal that you could get on your long distance service. Competition, we believe, will do several things. It will continue to drive the costs of energy down. It will provide customer choice. It will provide new services and products. Who would have thought 10 years ago that we would be debating here on the floor whether or not to ban the use of cell phones in automobiles? Who knows what new products and services will become about from electric utility restructuring. These changes occurred with the telephone industry not overnight, but they have occurred. But I think the biggest impact of competition is one that was addressed by Rep. Phinizy and that is the issue of the economic and operational risk of generation assets and under a regulated market we, as customers, bear that risk. We make the utility and the regulators or whoever else makes mistakes away along the way, prudent mistakes but mistakes nevertheless. They make mistakes and the customers bear the risk of that. In a deregulated market the utility owners, the investors, I mean the generation supply owners, the investors in that company, are the ones that bear the risk. Unfortunately, we have been unable to achieve restructuring. We've been tied up in federal court in litigation We haven't been doing too well

there. Therefore, we believe that the settlement agreement in Senate Bill 472 which provides significant benefits for customers is definitely a preferable way to get to competition as opposed to a prolonged contentious court battle where we have no idea of what the outcome will be. The debate that we have been having mostly is about what are the stranded costs of PSNH, how much are they and who should be paying them. In a competitive market, if a company makes investments, as I said, the investors take on all the risk. If they spend \$60,000 and they are only able to recover \$40,000, the investors lose \$20,000. In a regulated market, if \$60,000 is prudently invested, that company will recover \$60,000. If a company begins, as PSNH did, in a regulated market but we moved, transitioned to a competitive market, and they invested \$60,000 under regulation when they were required to serve everybody and were assured that they would recover their costs, they invested \$60,000 in that environment. We are changing the rules. Now, in a competitive market if that same investment is only worth \$40,000, that difference of \$20,000 is what we are referring to when we are talking about stranded costs. It is very important to note that while a company is in the regulated market and that includes PSNH, myself as a PSNH customer and everyone else in here who is a PSNH customer, each and every one of us is paying stranded costs today. We are paying them imbedded in our rates, and we will continue, after competition, to pay some portion of those stranded costs except it will be a separate charge, broken out as a separate charge called the stranded-cost-recovery charge on your bill. The first question is: what did we do with Senate Bill 472 to insure that customers were treated fairly with respect to the amount of stranded costs that we had to assume? PSNH claims a total of \$2.3 billion in stranded costs after asset sales. Roughly speaking, about \$1 billion of those are Seabrook-related costs and another \$1 billion of those are costs related to, as it has been described to us, iron-clad agreements that have been made with the independent power producers, the wood-to-energy and the trash-to-energy plants. In other words, we will be paying back those costs. The settlement agreement required that PSNH would write off \$367 million of that \$2.3 billion in stranded costs. The Public Utilities Commission, as did the Electric Utility Restructuring Oversight Committee, did not believe that that was a sufficient exchange for the use of securitization. Our committee recommended additional write-offs and, in fact, the final order of the Public Utilities Commission required an additional \$100 million in write-offs. Senate Bill 472, as amended by the House, actually locks in the bottom line. Without \$474.2 million of write-offs by PSNH, they cannot use securitization. In addition, PSNH must sell their generation assets. This could, perhaps, lower stranded costs even further. The proceeds of all fossil and hydro generation plants above book value will go to reducing stranded costs. In the agreement, Seabrook is valued at \$100 million. If it sold for anything less than \$100 million, the \$100 million still comes off stranded costs; but if it sells for anything over \$100 million, they have to write-off the entire amount. So, we are insured at least \$100 million against stranded costs for Seabrook. One of the other issues that has to do with stranded costs and the risk that customers versus investors make, one of the things we've put in here, is risk-sharing by PSNH. As part of the settlement agreement, a portion of the stranded costs actually, it was calculated how much would have to be paid over the next roughly seven years if there was two percent load growth in electricity. So, what happens, as Rep. Phinizy suggested, if there is less than a two percent load growth? And if I'm incorrect on that number, I'm sure Rep. Bradley will correct me when he comes up. But suppose that there is an economic downturn. Suppose that technology advances change much more rapidly than we expect and the load growth is less than two percent. What happens? Well, then what happens is when we reach that recovery end date about seven years down the road, whatever PSNH hasn't recovered, they have to write it off. So, unlike the 1989 agreement, this agreement includes risk sharing by the investors of PSNH. Remember, the stranded costs for the company that is moving from a regulated to a competitive market. If the Public Utilities Commission determined that \$18,000 of those stranded costs were, in effect, prudently incurred under regulated market, then over time customers would continue to pay back that \$18,000 in the separate line item that's called stranded-cost-recovery charge on your bill. Suppose company C doesn't have a very good credit rating, and, in fact, PSNH does not. Securitization is a financing mechanism that would allow them to restructure their debt at a much lower interest rate. Because of the guarantee involved this requires legislation. Senate Bill 472 provides that authorization for securitization. It guarantees that the ratepayers of PSNH will continue to pay that amount over the next 12 years through a charge on their bill. This company then uses this guaranteed stream of revenue as security to go out and issue bonds and because of this security they will get a much better bond rating. They will get much lower interest costs and they will be able to restructure their



company. The company gets the \$18,000 in cash up front. This is a big deal. Don't let anybody think that this is not a big deal. They get it up front. But what do customers get? Customers get, first of all, lower rates, because the company is paying lower interest rates and with Senate Bill 472 we have assured that we are also getting things like additional write-offs. The settlement agreement allows the company, PSNH/NU, to securitize up to \$725 million of their stranded costs — stranded costs, remember, that we will be repaying as customers, competition or no competition. The Public Utilities Commission, in their final order, determined that the benefits to PSNH of the settlement and in particular of securitization were, and I believe that their exact words were: "significant and immediate." They have an end to litigation. They haven't been doing very well on Wall Street. This helps them out. They are able to replace regulatory uncertainty with a guaranteed recovery of some portion of their stranded costs and they get that up-front cash payment of a portion of their stranded costs. In fact, these benefits were so good that now ConEdison is interested in acquiring them. The Public Utilities Commission, in their final order, also determined that benefits accrued to customers, but unlike the immediate benefits to PSNH, benefits to customers accrue over time. We believe, that is the majority of the Science, Technology and Energy Committee, that it is fair that ratepayers receive a quid pro quo in exchange for these significant benefits to PSNH, that is they are guaranteed repayment and up-front cash. The final order required an additional write-off in addition to the \$367 million in the settlement agreement of over \$100 million. PSNH is actually contesting a portion of that additional write-off. But Senate Bill 472 requires that the bottom line benefit to customers will be \$474.2 million a write-off of stranded costs. Remember, again, I can't say this enough, we are paying those stranded costs now and we continue to pay them every time we pay our electric bill. In fact, the Public Utilities Commission, recognized that and the assumed-competition day in the settlement agreement, it's anticipated that we won't get to competition by that day and the commission's estimate was for July 1<sup>st</sup> and so what they said was that every month customers are paying \$6 million of those stranded costs that are proposed to be securitized and so they reduced the amount of securitization that would be allowed to PSNH by \$37 million to \$688 million. They also allowed that difference of \$37 million to be securitized but that money can only be used if they successfully renegotiate the contracts, the long-term, ironclad contracts that I mentioned before, through which we are paying extremely high rates for electric energy. Senate Bill 472 requires that the \$688 million continues to be reduced by \$60 million a month for every month after July 1<sup>st</sup> until we reach the actual competition day. We have increased the amount of securitization that the company can use though, only to renegotiate, if they successfully renegotiate the independent power producer contract. There are two things that I want to clear up. Lots of people have been coming up during the day and asking questions. They heard this here or heard that there and there are two questions that I have been asked a few times and I just want to make sure that they get answered in case there are other people out there with these questions. The first was that they were under the impression that if the nuclear decommissioning was over-funded that the company that purchases Seabrook would get to keep those costs. That is incorrect. In fact, the settlement agreement did have that in it, the Public Utilities Commission, in its final order, said no, that's not a good idea. Maybe you think that's a good idea but it is not legal. They have to be returned; after funding must be returned to customers. The second, and perhaps someone will hit this again, is the chart that is going around that shows that our consultants' rate path is higher than the rate path assumed by the Public Utilities Commission. One of the significant differences between those two rate paths is the amount of money that they have assumed for the cost of energy. But, the cost of energy will be what the cost is. In the settlement agreement, they have assumed an energy cost of 3.7 cents. The Public Utilities Commission said 4.0 cents. Our consultant says, you know it's really 4.5 cents, so in Senate Bill 472 we call for 4.4 cents and then 4.6 cents for energy costs. Now, if you take the chart that is floating around and you adjust the Senate Bill 472 graph so that you account for an assumption, and that is all it is an assumption, that the energy costs will be less, than you'll get a graph that falls below the Public Utilities Commission's best scenario. For anybody that hasn't seen it, I think there are some more of those charts out on the table in the back that explain the differences between that graph and the graph that the Science, Technology and Energy Committee was using. I understand that this is a lot to take in. We've tried to give you as much information in the last hour or so as we've taken in the last year. But the Science, Technology and Energy Committee vote of 17-2 is a statement that we believe that this legislation achieves appropriate and sufficient ratepayer benefits in exchange for PSNH's right to securitize a portion of their stranded costs. I would ask you to support the committee position of Ought to Pass. Thank you.

Speaker Sytek: Would the member yield to questions? Rep. Thomas, you may inquire.



Rep. Thomas: Thank you, Madam Speaker and thank you, Rep. Norelli and I hate to belabor a point but a lot of people have talked to me about why not let this go to a rate case. You've done a commendable job of explaining that we shouldn't, but would you suggest with our history, with PSNH's history of taking us to court over rate cases that in a less than friendly out-of-state federal court that we would make out any better?

Rep. Norelli: Rep. Thomas, I think that one of the reasons we are all so frustrated is because PSNH and NU have been as successful as they have been in court in Rhode Island. They went to court in February of 1997, believe it or not, and we still have not resolved that. Going back to court, our record has been poor. It will be prolonged. It will be contentious and in the interim, as I've said before, we will continue to pay those stranded costs without the benefits of competition.

Speaker Sytek: Would the member yield to another question. Rep. Jacobson you may inquire.

Rep. Jacobson: Thank you, Madam Speaker. Representative, I was here in 1989 and the big argument then was that we cannot let Public Service Company go broke and so, though I opposed the legislation then, it was voted in. But, today you said something that I have never heard before and I would like to know the authority for that and it is this: that unlike private corporations, regulated corporations cannot go broke because the ratepayers are bound to pay off the debt. Now, I never heard that before. Could you explain that a little further and give us the legislative authority for it? Rep. Norelli: Thank you, Rep. Jacobson. Actually I don't believe that I said that they couldn't go bankrupt. What I did say was that in a regulated market when utilities make prudent investments that they are assured that they will have a fixed rate of return for recovery of those prudent investments with a fixed rate of return and I will admit to you that I don't know what that fixed rate of return is today but I'm sure that Rep. Bradley could let you know.

Rep. Jacobson: Now, you didn't use the word prudent on the first round and what I'd like to understand is who determines what is prudent or not?

Rep. Norelli: In a regulated market, it is the job of the regulators of that industry, in the case of New Hampshire the Public Utilities Commission, to make those determinations. That is part of the process that they go through when they are setting rates in a traditional rate case to determine what investments are prudent, what they should recover and then what the rate should be the per kilowatt hour charge should be, for the electricity in order for them to recover those prudent investments at that fixed rate of return.

Rep. Jacobson: Did the Public Utilities Commission approve the investment costs that were made that have now become the stranded costs as prudent investments?

Rep. Norelli: Rep. Jacobson, unlike you, unfortunately, I was not here in 1989 so I would like to defer that question to Rep. Bradley who has a little bit better handle on the history of what happened in the past than I do.

Speaker Sytek: Will the member yield to other questions? Rep. Chase, you may inquire.

Rep. Chase: Thank you, Madam Speaker. I think many of us are having considerable difficulty in deciding which way to vote on this. It is not an easy question. You and I are both former mathematics teachers. Twice today you have used the phrase, "much lower finance charge," that is interest rates. Would you quantify that, "much lower?"

Rep. Norelli: Thank you for your question. Actually, according to the settlement agreement, Public Service Company, when the bonds are triple-A rated, then they get a lower interest rate than Public Service Company of New Hampshire could get now with the rating that they have. In the settlement agreement, Public Service Company of New Hampshire has guaranteed that as long as the rate, whatever the rate, is below 7.25 percent that is what we would get. If the rate were to go above 7.25 percent they would guarantee the 7.25 percent rate through July 1 and in Senate Bill 472 as amended by the House, we actually extended that date to October 31<sup>st</sup>.

Speaker Sytek: Will the member yield to another question? Rep. Marple, you may inquire.

Rep. Marple: Thank you, Madam Speaker and Rep. Norelli. I'm going to confine my question to the information that you co-authored here and it also involves mathematics. Previously, I did some quick mathematics and according to what is revealed here, \$688 million, which at a simple 6 percent interest per annum yields a little in excess of \$41 million a year and for 12 years the multiplication comes out to be about a half a billion dollars in interest that would be compelled performance on the part of the ratepayers in addition to the principle on those bonds and I really am questioning the mathematics here. The Public Service Company is going to get \$688 million up front and what are they going to do with that? Are they going to reduce? How does the ratepayer benefit with the mathematics that we have in front of us here?

Rep. Norelli: Well, as I said before, these stranded costs that Public Service would securitize are costs that we are currently paying back with a rate of return. Again, I'll defer to Rep. Bradley to tell you exactly what that rate of return is, but it is higher than 7.25 percent, so we are paying them back now and we are paying them back at a higher rate than we would pay them back with securitization which would get a lower rate.

Rep. Marple: The fact still remains though that we have got, as I said, over a half a billion, that is spelled with a B, billion dollars, in addition to fronting the money for the bonds and that is in the next 12 to 14 years. If it goes 14, it is going to be more than a half a billion in interest. I'm wondering, can you tell me how the ratepayer is going to benefit? We have no numbers here to show, yes the ratepayer is going to benefit or no over here. I don't see these numbers. This is my question.

Rep. Norelli: Well, I would say that the first thing is to take a look at the graph as prepared by the legislature's consultant, Dr. Silkman, which shows that we benefit over time through slightly lower rates than we could get with the best case scenario from a rate case and whatever additional benefits could be derived from actual competition. I think that the answer to your question is that in fact we would be paying back all those same costs to which you refer even without securitization. But, we would be paying them back with higher interest over time through that fixed rate of return than we will pay back through the 7.25 percent or less that they can get from securitization.

Rep. Martel: You mentioned quid pro quo. Does not the benefit that the customer, the consumer, the ratepayer, receive here is nothing more than really paying for these so-called stranded costs? Now, each one of the ratepayers is paying, right now as we speak, \$8.40 a month over and above the cost of generating and delivering that power. That is a fixed cost of \$8.40. You can take the mathematics and figure out for a hundred thousand how much that company is getting per month in addition, over and above the cost of generating and delivering the power that they deliver. Multiply that by 12 and then multiply that by another 12 for the next 12 to 14 years that these rate payers are going to be paying that fixed charge of whatever they come up with, I've seen it gradually go up every month for the last 20 years. It goes up every month. It is \$8.40. Why is that not factored in because we are talking some big bucks?

Rep. Norelli: Actually, I think that it is factored in. What you are saying is that we are paying a lot more now than the actual costs of generating and operating the generation supply assets and in fact that is true. Much of the stranded costs come from the capital investments in those generation assets and by restructuring the company, by requiring that they write off \$474 million of those stranded costs to which you refer, and by securitizing another \$700 million of those at a lower interest rate than what we are paying now. That is where the savings will come from.

Rep. Marple: Thank you, Madam Speaker. I am still confused. Thank you, Rep. Norelli.

Rep. Gilmore: Madam Speaker, I rise in opposition to this legislation for two reasons. It is not fair to rate payers, consumers. There are alternatives available. I stole that line from the 1989 rate agreement, the debate of which I read this morning, so it wasn't right on the tip of my tongue. A number of other things we spoke of in 1989 and for the proponents who were pushing it, all proponents of the 1989 agreement said the same thing, "We've got to do this because we can't risk going to court." The bad judge in 1989 was Judge Yacos. The bad judge today is Judge Lagueux. We spoke in 1989. Again, it was not a perfect agreement but the best we could do. We spoke that this would resolve, finally resolve the problem. We thanked our experts for their great advice and how they had guided us to this conclusion. I don't want to forget 1989 because there is too much there we must remember before we repeat it again. If history has taught us anything, it is that it can repeat itself. If history has taught us anything, it is that dramatic changes will occur, that things will not proceed in a normal, steady fashion as we project it to. It doesn't happen that way. I don't even know if we want it to happen that way, really, but it certainly doesn't happen that way. If you look back to the last 10 years, 10 years ago when I was in this body in the Science, Technology and Energy Committee we had all these divisive debates about cable. Well, right now you have an alternative to cable. You have direct TV. We've seen cell phones explode, so you have an alternative to AT&T. There are alternatives today available. The technology has changed so dramatically and nobody predicted it. I would hate to look into that crystal ball and tell you that things are not going to change because the certainty is we don't know and the certainty is that it is almost certain to change and certain to change in dramatic ways. There are alternatives. What we know from the PUC rate order through their benchmarking is that we can ask, immediately, for an 8 to 10 percent reduction, immediately. We know we can adjudicate a rate case. We know we can adjudicate stranded

costs. Now, I've got to talk about stranded costs because a number of erroneous things were stated. We state that we are paying them all off. Well, that's not exactly true. We're not. Now, in this settlement, PSNH says they have \$2.3 billion worth of stranded costs - \$2.3 billion. Do we know that's true? They said it but we don't know it is true because the next step has been stopped. It has not gone to the PUC. The PUC has not adjudicated if those stranded costs are real. Now, we know in Connecticut, when NU went through the same procedure, that a large, a significant amount, largely, several hundred million, I believe three or four hundred million dollars that they claimed as stranded costs, their PUC kicked out. They said they aren't real. There is some testimony from the PUC's own staff that the stranded cost numbers should be significantly lower. I also haven't adjudicated whether the stranded costs, so called stranded costs, are prudent and the collection of some of those stranded costs has been deferred. We aren't collecting them. The PUC has ordered that we don't collect them. It is not happening. We are collecting a significant amount of stranded costs without question. But some of those stranded costs, like the wood burners that we've heard of for quite awhile now, will go away entirely in the year 2027 if we don't agree to this today. It won't go away so quickly if we don't because we will be paying them over 12 years. Our experts said there has been a breach in the rate agreement. Now, again in the 1989 proceedings in this House, one of the cornerstones of the rate agreement was that NU would supply us with power. Our experts have said they've breached that and that's worth hundreds of millions of dollars if we litigate. If we go forward today, we lose that opportunity. We will not recover that value. We will not recover it. Finally, if we vote "no" today, it's not over. We are not asking you to kill this legislation. We're asking for interim study and I believe that if NU, if ConEd want their agreement they'll be back and they'll be back bearing gifts, a better deal, a better deal that is in their best interests and in our best interests. Securitization of \$800 million, which we will be paying, which PSNH will be receiving, \$700, \$800 million up front, is roughly what they earn in the course of the year. That is an awful lot of largesse to give to that company. It is also very concerning when you look at what they are writing off with it. And, principally, what they are writing off is the Seabrook power contract. Now, the Seabrook power contract postulates that we will continue paying for nuclear power for 39 years. Now, I don't know about you, but I'm not willing to make that risk. No plant has lasted that long and what I think every expert in the field says is that if we build the gas plants they won't be able to compete. Nuclear plants are expensive to run, expensive to maintain. They just won't be able to compete. Now, the opposite side of that is if we don't build the gas plants, then with the rising costs of the electricity those so called stranded costs are not going to be stranded. They'll be valuable. They are only stranded if they are not something we can use and then we can use them. If we don't build the gas plants, the face of competition in this state will likely be very dire. Now, in the amendment they have before you, when you look at the transition price, you know, we tag it at 4.4 and 4.6 cents. Now, right now, the real world price for power as determined by the most recent bid that was received which was the co-op which was earlier this year, is roughly 5 cents, 5.1, 5.2 cents. Now, in a competitive environment, that translates to 5.5 to 5.6 cents. Nobody has done a rate path using real-world numbers. If we believe in competition so much, if we really believe in it, then why aren't we saying that the transition price will be what the price is in the real world? Well, we're not going to say that, folks, because we can't give you savings. And, we can't sell this plan unless we give you savings. If competition results in prices of this nature or higher and prices have been rising fairly dramatically — it is not a good deal. The other issue about competition, energy prices are extraordinarily volatile. You have incredible peaks and then you have a fairly consistent level. Those peaks would make our concerns about the fuel oil minor in comparison. If your constituents ever have to face the wrath of having to pay those peaks, I think you'll be paying for your constituents wrath. The market hasn't evolved. It isn't working. We have competition in four other states but nobody is doing it. Nobody is competing. The PUC forum we had here a couple of years ago, not here but up the street, energy suppliers came in and they said New Hampshire is just too small. We won't have anything to do with you unless your neighboring states are competing. Well, our neighboring states can compete. Nobody is competing. New Hampshire's ability to collect the benefits, the so called benefits of competition, are extremely remote at the present time and my fear is if we go forward we'll look fairly foolish in a couple of years when the whole impact of this will come due. And, again in 1989, we sort of went forward but we didn't really see it for what it was until two to three years. Similarly, there is no way you will understand this settlement again for a couple of years and then it is just too late. We are locking ourselves in.



We are locking ourselves in to 12 years. Final point: we speak of competition and that there will be no more Seabrooks. Well, again in the real world, nobody is building Seabrooks. In the real world, actually, independent power producers are building the power plants that are powering the nation and they are doing it whether there is competition or there is no competition and I assume they are doing it for a couple of reasons — that they can do it cheaper and that they are not regulated; they can make a better profit. That's what will occur whether we do competition or not. That is what will occur as it has been. I would urge this body — and you have been wonderfully attentive through this whole debate — I would strongly urge this body not to lock us in to a rate path that will leave us inflexible to change, inflexible to respond to the changing market. I would urge this body to, at this time, vote this legislation down. Thank you.

Speaker Sytek: Would the member yield to questions. Rep. Burling, you may inquire.

Rep. Burling: Thank you, Madam Speaker. Representative, I particularly liked the Representative from New London taking us back 11 years. Eleven years ago you were in I-28 and I was in I-29 and both of us voted against the worst energy deal we'd ever seen, and yet today we take different perspectives. I wanted to ask you about two specific assumptions that you make. The first is that there is an alternative to this proposal and that is further litigation. My question on that issue is: Am I irrational in believing that given the fact the Providence court has declared the 1989 agreement to be a contract binding on the state and given the fact that Judge Lagueux has determined that he has continuing jurisdiction over any and all orders of our Public Utilities Commission, would I be irrational to believe that if we do something against the interests of PSNH we're likely to pay for it in the Providence court?

Rep. Gilmore: Actually, Peter, I sat in Division I, seat 31. Well, it's sort of like the question. The litigation I'm talking about is one that the state would be the aggressor. It is one in which the state would be going forward. If the rate agreement is determined to be a contract, that litigation would be even more in our favor than less in our favor because they have breached that contract. What a certain judge would or would not do or whether it would even be before that judge because it is a totally separate matter, is rather foolish of me to even speculate, especially given what our expert legal counsel has said. I mean, he thinks it is an extremely strong case. I'm sorry, I would certainly be the last one to doubt his word.

Rep. Burling: Thank you. The second part of my question is: Would I be irrational, coming from a town which is served by five utilities, to think that if competition were made available, particularly to those of us in the western part of the state, that we might quickly move to buy the cheapest possible power since all of it is available? I can get it from the Co-op, from Granite State, from PSNH, the town or city of Claremont has four utilities which provide power, why would I be irrational to try to get that competitive power, that access to a competitive market?

Rep. Gilmore: Actually, Peter, your neighbors who are not served by PSNH, who are served by Granite State electricity, who are served by the Co-op, anyway, those have access to competitive power today but I suspect if you ask any of your neighbors who have them as their supplier that they are not using competition because competition is not working, not only in New Hampshire where we have it in many utilities, but also everywhere in New England where it is available and it is available in New England in all but Vermont and PSNH and Seabrook territory in New Hampshire, I think Unitil territory, excuse me. But, it is available and nobody is using it. So, I guess you should ask your neighbors.

Speaker Sytek: Would the member yield to another question? Rep. French, you may inquire.

Rep. French: Thank you, Madam Speaker. Thank you, Rep. Gilmore. I have a concern about another issue that we haven't talked about today and that is about a recent study that was done by the Harvard School of Public Health which documents that asthma attacks, emergency room visits and premature deaths occur in the area around older power plants, coal and oil burning. Now, since New Hampshire has three of these and we have this potential for the increased associated health risks, I'd like to know if there is any provision made for doing something about these older power plants. Rep. Gilmore: Thank you, representative. This is actually one of the things that severely upsets me about this settlement and that is that we are doing nothing about cleaning up the New Hampshire plants. Indeed, what we are doing is perpetuating them. And that Harvard Medical Health study, which I got this morning, actually speaks of 160 people who died prematurely, 300,000 people who are daily incidents. And they look at two plants, Salem and Brighton Point, and those plants usually have been linked with the Bow plant in terms of their undue environmental effect. Now, this



was a major issue for the Conservation Law Foundation. They stressed it in the proceedings and they also stressed it in their brief. It is also a major issue for other environmental groups, that instead of doing something to clean it up what we're doing is something that will certainly perpetuate the problem and result in bad health for our New Hampshire residents.

Speaker Sytek: Will the member yield to another question? Rep. Brown, you may inquire.

Rep. George Brown: Would you believe that as a customer of PSNH for a number years, that I feel like that with this bill I am losing for the fourth time with this settlement with PSNH? Number one: PSNH promised me, after they got the Seabrook plant built that that would go online that I would be getting cheap electricity. It never happened. Number two: My broker of many years ago said that PSNH was a good stock to buy so I bought some at 19 and 5/8 and later on I sold at 43 cents a piece. Number three: PSNH, last settlement, I paid five percent for seven years to create the highest rate in the country. That is a total of 35 percent increase. Number four: This time, their settlement promises an 18 percent decrease for the first year, but there are clauses for increases for the next 12 years. What am I getting in for now?

Rep. Gilmore: I agree, Representative, that you have every reason to be concerned, especially given the history that you have, as many of us have also endured.

Speaker Sytek: Would the member yield to another question? Rep. White, you may inquire.

Rep. White: Thank you, Representative. Thank you, Madam Speaker. With respect to an earlier question, would you agree with me that we received on February 3<sup>rd</sup> a document from a law firm in Maine which specifically tells us that the rate agreement is not a contract and that there should be no fear of litigation?

Rep. Gilmore: I would agree.

Speaker Sytek: Would the member yield to another question? Rep. Kennedy, you may inquire.

Rep. Kennedy: Thank you, Madam Speaker. Representative, I understand where you are coming from, but being an old capitalist at heart, I figure if I make a deal and blow it, it is my problem, not my customers'. But, putting that aside, sir, it is my understanding that you wish to go Interim Study whereas I would personally like to kill this thing. But if you are correct, and on rare occasions I actually do agree with you, would your motion which you wish to make if we get to it, to Interim Study, keep this alive so we can still possibly negotiate and perhaps find a better way?

Rep. Gilmore: Thank you, Representative. Again, that is the intent of this, to keep it alive so that we can do a better deal if it presents itself.

Speaker Sytek: Would the member yield to another question? Rep. Tuthill, you may inquire.

Rep. Tuthill: Thank you, Madam Speaker. Representative, it is my understanding that the settlement agreement before us today is predicated on load growth. In other words, increased consumption of electricity in the state of New Hampshire, and that many of the cost projections and the sharing of the risks and the benefits would anticipate that there would be, I believe, a roughly two percent growth in consumption per year through the terms of the settlement. Does it strike you that this will provide an economic disincentive to increased investment and energy efficiency in this state?

Rep. Gilmore: One of the frightening similarities, and there are many — in fact they are very numerous — to the 1989 rate agreement is that like this one, it projected a two percent load growth. In the 1989 agreement, when it did not occur that way — in fact it was load loss for most of those years — what we saw was rapidly escalating rates in comparison to the rest of the nation where rates went down. To make such a projection, well, you know, my faith in projections is so limited as to be fairly nonexistent, but I would certainly agree that this legislation could hinder energy efficiency under some scenarios and yet in other scenarios, given that we are putting some money aside for energy efficiency, it could help. But I don't think there is any certainty in that regard.

Rep. Bradley: Thank you very much, Madam Speaker. Friends and colleagues, there are times in our lives when we are asked to get behind this microphone or that microphone or, if you are fortunate enough to be the Speaker, behind those two microphones, and there are times in our lives that it is indeed lonely to be in front of one of these microphones and I can attest to the fact that today, for me, personally, it is indeed lonely to be at this microphone and ask you to do what I know is very difficult to do, given the history with regard to PSNH in the state of New Hampshire. I know all about fear, uncertainty and doubt. We face it every day in every decision that we will ever make in our lives. And this decision, ladies and gentlemen, however you vote, is no different. Madam Speaker, indulge me for a moment if I depart from what I usually do, which is speak with my head, and speak with my heart, but, if I ask you folks to vote with your heads. Indulge me for a moment,

Madam Speaker, if I feel a bit like Winston Churchill when he said: "Democracy is the worst form of government, except for all the others." Because, quite frankly, that is a bit like how I feel today. I know there are skeptics. There are lots of skeptics. It is good to have skeptics. It has forced the Science, Technology and Energy Committee to have kicked the tires to see if we, indeed, have what we believe is a good deal. There are those who believe that we could get a better outcome and, quite frankly, if PSNH rejects this deal, they will get their wish. Read section 6 of the bill which says go to a rate case and litigate the contracts issues if they reject, if PSNH rejects this deal. You've all heard, I've certainly heard it and I'm sick of hearing it, how PSNH is "supporting our life in every moment." I would say to you that if you vote no today, indeed, you'll be giving them more money in all likelihood and you will be supporting their life in every moment. I hope we've had enough of that, and I hope we change that today. I'd like to first thank everybody for having voted for the amendment. Now, we're on the bill and I would also like to thank Representative Gilmore, in committee, for having voted for the amendment because he recognized that the amendment is a better result than what came to us from the Senate. If I can, Madam Speaker, knowing that the hour is getting late and that people are getting tired, just briefly touch upon what I believe we've attempted to accomplish in that amendment. Appropriate burden sharing, quid pro quos, concessions on stranded costs, write-offs by PSNH - something they have done too precious little of since 1989. We have insisted upon, and in fact drawn a line in the sand, that Public Service of New Hampshire, should they choose to meet us half way in this deal, will have to absorb, write-off, whatever you want to call it, \$474.2 million dollars of their stranded costs if they are to receive this benefit of securitization. For some of you, I know, that is not enough. Just listen to what I'll say later on. I would maintain that that's a little bit less than 80 percent recovery of their stranded costs. Could we do better? Perhaps. I'm not going to tell you this deal is perfect. It's not. And I'm not going to guarantee for you the outcomes are going to be rosy because I can't. I can only tell you that I believe and I believe that the majority, the 17-to-2 majority, of the Science, Technology and Energy Committee believes, indeed, that this is likely to be the best that we'll do, \$472 million write-off, line in the sand for stranded costs. Next issue of improvement, the merger, certainly got the hair up on everybody's back. I think I told you two or three weeks ago it certainly has raised the hairs on my back. It's made them gray, perhaps not as gray as my friend from New London, but I'm fortunate I still have some, but maybe after today it will fall out. We've insisted as a quid pro quo in this amendment that they have to share any savings that come when you combine and consolidate two companies. Are they happy about that? Absolutely not and I can tell you they are not happy about the \$474 million either. They have not agreed to it publicly. They have not agreed to it privately. And there is some risk, even from our point of view, the advocates of this bill, if we reject it, that they walk away, but that's where we are. Let's turn to the competitive aspect of this. There has been an awful lot of talk about that and since Rep. MacGillivray had to croak his way like a frog through his speech, I'm left to talk about this one-page graph which you all have. I will tell you that the author of that has taken the Public Utility Commission numbers, which low-ball the actual real market price of power, used that assumption and taken Dr. Silkman's, our consultant's, numbers, which are accurate real-world market prices, and compared the two. It is not apples-to-apples. I'm sorry, it just isn't. And, if you have had the opportunity to have looked through these charts, compare on page 5 the top line with the bottom line and you will find that when you subtract for the lowball market prices in that analysis, that Dr. Silkman's estimates are, indeed, better. I'm not going to tell you that in a best-case rate case outcome we'd do terrifically better. I'm not going to sugarcoat this for you. You can look at the graph on the first page and see that. But, that is a best case, rate-case outcome. Rhode Island, a great state. I love Block Island. Everybody is talking about Rhode Island today. It gets PSNH to do something, as I said before, they've done precious too little of which is to write-off their stranded costs. Yes, it is a tremendous benefit to them. It's the end of uncertainty, the end of litigation, improves their bond rating. They get cash, improved risk profile, better customer relations. They get to upstream money to the parent company and, yes, it helps them in their merger prospect. That's the carrot that gets what we need in this deal. Remember, in life you can't always get what you want. Hopefully, with this deal we've gotten what we need which is a large write-off, lower returns and the returns today are in the 11 percent range. And if it is a return on equity, which is dollars that they have on their balance sheet, you have to account for taxes in that. It is really an 18 percent return. Those returns go down for their stranded costs to eight percent. The merger dollars are in this amendment. We have lower rates, a 16 percent rate

reduction, which for residential customers, per the Commission's order, is 18 percent and for the large industrial customers that are going to do better in a competitive world, it's 13 percent and we finally move to competition and we end the litigation. Competition is not a panacea. It's not going to solve every problem overnight. Our consultants have told us, though, that by not low balling the actual price of power, that for the larger customers, initially, there will be competition in New Hampshire. It is not going to happen overnight for the residential customers. That is why there is transition service. That is why there is assignment of those customers after transition service, should they not choose a competitive supplier. But just as with the breakup of AT&T, it took time for there to be 50 percent subscription for people choosing MCI or Sprint or what have you. It will take some time, but residential customers will benefit also. Let's lastly talk about better outcomes because here is where fear, uncertainty and doubt come into play. I can't guarantee you any of this. I can only speak from my heart having looked at this issue for six years with my head and tell you that I believe that this is not only a good outcome, but one that we are likely to achieve and better than all the others and here is why. People have said, "Let's do a rate case." That's fine if PSNH rejects this deal, that's what will happen. If we are to do better in a rate case, we have to achieve the best-case rate case outcome. It will be litigated. It is not, as some would claim, without negligible risk that we'll lose that. I'm sorry, that's not the case. PSNH had the rate case enjoined in Rhode Island in the federal district court until there was an agreement to allow it to proceed, so don't think for one moment that there is negligible litigation risk in a rate case because I'll tell you I don't believe that's the case. We have to achieve the best-case rate case outcome, number one, battle number one, has got to be won and got to be won decisively. Battle number two, the opponents of this bill have been talking about using a rate case outcome and then using securitization. Imagine how, if you feel uncertainty and doubt today, how you're going to feel about securitization in the context of a rate case. And if you didn't like the Commission's stranded costs order, if it wasn't aggressive to you, remember their rate case order may also not be aggressive enough for you because they are constitutionally obligated to balance the interests of customers and utilities. But even if we succeed in a rate case and then we securitize, we have a problem because people want to litigate the contracts issue, they do not want to pay PSNH those stranded costs. Fine. Neither do I. But, you cannot securitize when you have not settled upon how many dollars a utility should get. So, I would tell you, in all likelihood, securitization in that case, a rate case, is not going to happen. It is not impossible, it is just impractical and it is very, very unlikely to happen. Our consultant has told us many times, and we have had him analyze this six ways to Sunday, that even if we win those first two battles, we achieve the best case outcome in a rate case and we achieve securitization in the context of a rate case. If you folks all vote for that, we're still behind. We're still behind by almost \$115 million over the 12-or-13 year period the net total savings that Senate Bill 472 seeks to achieve. That's what he has told us. Those are the facts as we know them per our consultant's analysis. So, we achieve the best-case outcome in a rate case and somehow we manage to securitize. I don't know how that is possible but let's assume that we can. In order to do better, this is what has to happen next. We have to win on the contracts issue. Now, it is easy to claim that the rate agreement is not a contract. I believe that. I absolutely do believe it and I think that to a person on the Science, Technology and Energy Committee we all believe that it is not a contract and I believe that the people who negotiated the settlement will agree with that. We have to win it, we'll probably have to win it at the United States Supreme Court. If we win it, then we have to convince that court that we should be able to disallow PSNH more costs than the \$474 million that's on the table. So we have to win on the contracts issue and win on a larger disallowance. And thirdly we have to do it in a rather quick time frame so that you get the benefits of the refinancing done in a timely fashion because, quite frankly, we're paying those stranded costs every day and that brings me to my conclusion. When the settlement was filed, those of you who remember, the securitization number was \$725 million. Today, it's \$688 million and here is why. The \$725 million was modeled on a start date of competition of January 1, in the year 2000. The PUC's order models that on July 1, 2000 and so the number has been reduced by the Commission from \$725 million to \$688 million. What happened to that \$37 million? Poof! – Did it disappear? Did PSNH write it off? No. Every time a customer of PSNH pays his or her light bill, and thankfully these lights are not PSNH lights, but every time you folks who are PSNH customers paid that light bill, you paid those \$37 million and you're paying that \$6 million a month for just that portion of stranded costs. Let's talk about the IPPs for a moment. Rep. MacGillivray mentioned that but because he was croaking I'm sort of going to go through that again. We had deals on the



table that unfortunately the Commission rejected, five out of six, that would have lowered stranded costs for customers over the course of that by \$150 million. The one deal that the Commission approved was worth \$50 million. There was a bill that passed the House. It was a forerunner of this bill and it was killed in the Senate, ironically enough. And there is irony in life sometimes, by the same folks that are today arguing that we should use securitization in the context of a rate case. Well, that bill was killed in the Senate by the same folks. And guess what? Those deals, if they were brought back today as Rep. MacGillivray said, would be worth \$80 million, maybe \$100 million, if we could get them to closure and if we could finance them. So, yes, the people you represent, their money has been burned. It has gone up in smoke. I would maintain there are not better outcomes that are likely to be achieved. That's why a number of organizations have come out in support of this bill. You know what? It's not just the BIA. Yes, they supported the 1989 rate agreement. A lot of people have held that against them ever since. We have individual businesses supporting it. We have chambers of commerce supporting it. We have the Consumer Advocate, one of the biggest proponents of a rate case, turning in a card at the Senate in support of this bill. Lastly, and perhaps most importantly, one of PSNH's most implacable foes over the years, Cabletron, is supportive of this bill. I believe it is because no one else has shown a clear path to a better, more achievable outcome. If that clear path to a better, more achievable outcome had been anywhere in the state of New Hampshire, I think the members of the Science, Technology and Energy Committee would have overturned that rock, found that better outcome and would have brought it to you today. We, like you, are tired of the highest rates in the nation. And we, like you, are tired of what's gone on. But I would say that we believe this is the best outcome that we are likely to get. And if we choose to reject it, we best be prepared for an outcome that is significantly worse. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Grant, you may inquire.

Rep. Grant: Thank you, Madam Speaker. Representative Bradley, I am fortunate that a substantial portion of my district is not serviced by Public Service of New Hampshire and, therefore, a substantial portion of my constituents have been blessed with low utility rates so I always come to the overreaching question any legislation should have an advantage to the people of New Hampshire, should serve the public interest and offer those advantages and opportunities. What are those advantages and opportunities?

Rep. Bradley: You are fortunate, indeed, Rep. Grant to be served by Unitil as people are fortunate to be served by Granite State Electric, some of the lowest rates in New England. I would say to you, Rep. Grant, and as a member of the committee who voted for this bill, that the benefits for your part of the state are the overall economic benefits that the state will enjoy from significantly lower electric rates, a better economy and the end of litigation and with regard to that last subject, your constituents are paying whatever fraction of the costs that are being paid to litigate this issue. So I contend that your folks would benefit a bit from that, too.

### REGULAR CALENDAR (CONT'D.)

**SB 393**, relative to single producer licensing. OUGHT TO PASS WITH AMENDMENT

Rep. Tim S. McGough for Commerce: This legislation is a request of the New Hampshire Department of Insurance and has been worked and reworked over the course of the last year to resemble a model act put forth by the National Association of Insurance Commissioners. When passed it will streamline the licensing process for insurance agents and simplify the requirements to keep a license current. No persons appeared in opposition to the bill and the fee structure was agreed to by all involved. The industry professionals request support of this revised process to facilitate ease of licensing and consolidation of fees. The amendment makes minor technical changes recommended by the Commissioner after the bill passed the Senate. Vote 14-0.

#### Amendment (4435h)

Amend RSA 402-J:2, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. "Limited line credit insurance producer" means a person who sells, solicits or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

Amend RSA 402-J:5 as inserted by section 1 of the bill by replacing it with the following:

402-J:5 Application for Examination. Except for limited line credit insurance producers, a resident individual applying for an insurance producer license shall pass a written examination unless



exempt pursuant to RSA 402-J:9. The examination shall test the knowledge of the individual concerning the class or classes of insurance for which application is made, the duties and responsibilities of an insurance producer and the insurance laws and regulations of this state. The commissioner may make arrangements for administering examinations. Examinations required by this section shall be developed and conducted under title XXXVII and rules adopted by the commissioner. Amend the introductory paragraph of RSA 402-J:6, I as inserted by section 1 of the bill by replacing it with the following:

I. A person applying for a resident insurance producer license shall make application to the commissioner on a uniform application and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the commissioner shall find that the individual:

Amend RSA 402-J:9, I and II as inserted by section 1 of the bill by replacing it with the following:

I. An individual who applies for an insurance producer license in this state who was previously licensed for the same lines of authority in another state shall not be required to complete any pre-license education or examination. This exemption is only available if the person is currently licensed in said state, or if the application is received within 90 days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state for the lines of authority requested.

II. A person licensed as an insurance producer in another state who moves to this state shall make application within 90 days of establishing legal residence to become a resident licensee pursuant to RSA 402-J:6, except that no pre-license education or examination shall be required of that person to obtain any line of authority previously held in the prior state.

Amend RSA 402-J:12, I as inserted by section 1 of the bill by deleting subparagraph (m).

Amend RSA 402-J:12, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In addition to or in lieu of any applicable denial, suspension, or revocation of a license, a person violating this chapter may, after hearing, be subject to an administrative fine pursuant to RSA 400-A:15, III.

Amend RSA 402-J:14, II as inserted by section 1 of the bill by replacing it with the following:

II. To appoint a producer as its agent, the appointing insurer shall verify the eligibility of the applicant and file, in a form and format approved by the commissioner, a notice of appointment within 15 days from the date the agency contract is executed or the first insurance application is submitted. An insurer may also elect to appoint a producer to all or some insurers within the insurer's holding company system or group by the filing of a single appointment request.

Amend RSA 400-A:29, X as inserted by section 4 of the bill by replacing it with the following:

**X. [Brokers] Producers**

(a) Application [examination] fee	[\$15]	\$ 60
(b) Original license	[\$30]	\$150
(c) Biennial renewal	[\$30]	\$150
(d) Amendment to license		\$ 50

Adopted.

Rep. Hunt offered a floor amendment.

**Floor Amendment (4566h)**

Amend RSA 400-A:29, X as inserted by section 4 of the bill by replacing it with the following:

**X. [Brokers] Producers**

(a) Application [examination] fee	[\$15]	\$ 60
(b) Original license	[\$30]	\$160
(c) Biennial renewal	[\$30]	\$160
(d) Amendment to license		\$ 50

Rep. Hunt spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**MOTION TO SPECIAL ORDER**

Rep. Hunt moved that **SB 459**, relative to underinsured motorists, be made a special order for Thursday, May 18, 2000 in the Regular Calendar order.

Adopted.

## REGULAR CALENDAR (CONT'D.)

**SB 436-FN**, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated. **OUGHT TO PASS WITH AMENDMENT**

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: The committee amended the bill to provide that an indefinite license revocation may be ordered by the sentencing judge in those cases where a person has been convicted of manslaughter or DWI negligent homicide resulting from the driving of a motor vehicle. A further amendment just clarifies that certified habitual offenders with a prior DWI, felony or misdemeanor offenses, who drive under license suspension are guilty of a felony. Those certified habitual offenders who without a prior DWI, felony or misdemeanor traffic offense, drive under license suspension are guilty of a Class A misdemeanor. Additionally, the committee has added the House passed version of HB 1621 which allows the court to order certain misdemeanor habitual offenders, those in county jails, to be sentenced to home confinement. Vote 15-0.

**Amendment (4361h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to revocation of drivers' licenses for causing a fatality and allowing administrative home confinement for habitual offenders.

Amend the bill by replacing all after the enacting clause with the following:

1 Habitual Offenders; Felony Penalties; Home Confinement. Amend RSA 262:23, I to read as follows:

1. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, **he or she shall be guilty of a felony and** shall be sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not less than one year nor more than 5 years. No portion of the minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility **and the court may order that any such offender may serve his or her sentence under home confinement pursuant to RSA 651:19 on such terms and conditions as the court may order, for the minimum mandatory term or any portion thereof.** Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

2 Habitual Offender; Misdemeanor Penalties. Amend RSA 262:23, III to read as follows:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person **shall be guilty of a class A misdemeanor and** may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

3 New Paragraph; Manslaughter; License Revocation in Certain Cases. Amend RSA 630:2 by inserting after paragraph II the following new paragraph:

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

4 Negligent Homicide; License Revocation Period. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. **In cases where the person is convicted under paragraph II, the court may revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years.**

5 Discretionary Sentences; Release for Purpose of Gainful Employment or Rehabilitation; Home Confinement. Amend RSA 651:19 to read as follows:

651:19 Release for Purpose of Gainful Employment [or], Rehabilitation *or Home Confinement*. Any person who has been committed to a penal institution other than state prison under a criminal sentence may be released therefrom by the sentencing court at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment, for the performance of uncompensated public service as provided in RSA 651:68-70, *or to serve the sentence under home confinement*, or for such other purpose as the court may deem conducive to his *or her* rehabilitation, for such times or intervals of time and under such terms and conditions as the court may order. Any part of a day spent in the free community, *or in home confinement*, under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his *or her* conduct, custody and employment, he *or she* shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his *or her* term.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes provisions for the revocation of driver's license privileges for certain manslaughter and negligent homicide convictions.

This bill also provides for home confinement as a means to serve habitual offender sentences and certain discretionary sentences.

Adopted.

Rep. Christie offered a floor amendment.

#### Floor Amendment (4535h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to revocation of drivers' licenses for causing a fatality, allowing administrative home confinement for habitual offenders, and authorizing certain impaired driver intervention programs for restoration of driving privileges.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Impaired Driver Intervention Programs; Authorized Programs for Restoration of Privileges. Amend RSA 172-B:2-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other law to the contrary, the impaired driver intervention programs operated by the department of corrections shall be deemed approved programs for purposes of the attendance required at such programs for restoration of driver's licenses or driving privileges under RSA 263:65-a.

7 New Subparagraph; Authorized Impaired Driver Intervention Programs. Amend RSA 263:65-a, I by inserting after subparagraph (b) the following new subparagraph:

(c) Operated by the department of corrections and approved pursuant to RSA 172-B:2-a, I-a.

8 Department of Corrections' Impaired Driver Intervention Programs. Amend RSA 263:65-a, III to read as follows:

III. Successful completion shall also include payment of all assessed I.D.I.P., M.O.P., and equivalent program fees, *except in the case of attendance at programs operated by the department of corrections*. Failure of the offender to make full payment of the assessed fee may also result in petition for contempt of court charges against the offender.

9 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill provides for revocation of drivers' licenses for causing a fatality, allows administrative home confinement for habitual offenders, and authorizes certain impaired driver intervention programs for restoration of driving privileges.

Rep. Christie spoke in favor.

Adopted.

Report adopted and ordered to third reading.

**SB 439-FN**, relative to motor vehicle offenses resulting in serious bodily injury. **OUGHT TO PASS WITH AMENDMENT**



Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: This bill creates a misdemeanor to the motor vehicle code to fill the gap between a violation of the rules of the road and negligent homicide. The language mirrors the changes made to RSA 263:64, driving after revocation. It provides for an increased penalty for violating rules of the road when death or serious bodily injury results. Vote 14-2.

### Amendment (4354h)

Amend the bill by replacing section 1 with the following:

1 New Section; Vehicular Assault. Amend RSA 265 by inserting after section 79 the following new section:

265:79-a Vehicular Assault. Any person who, without intent, causes death or serious bodily injury as defined in RSA 625:11, VI to another while using a propelled vehicle or vessel as defined in RSA 637:9, III shall be guilty of a class A misdemeanor, where such person's unlawful operation of the propelled vehicle or vessel causes or materially contributes to the collision. Evidence that the driver violated any of the rules of the road shall be prima facie evidence that the driver caused or materially contributed to the collision.

### AMENDED ANALYSIS

This bill creates a motor vehicle classification for vehicular assault.

Adopted.

Rep. Packard offered a floor amendment.

### Floor Amendment (4528h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to motor vehicle offenses resulting in serious bodily injury, and relative to driver record information.

Amend the bill by replacing all after section 1 with the following:

2 Review of Motor Vehicle Record Requests. Amend RSA 260:14, III to read as follows:

III. Motor vehicle records ~~[shall]~~ **may** be made available in response to a request from a state, a political subdivision of a state, pursuant to a court order, the federal government, or a law enforcement agency for use in official business. *The request shall be on a case-by-case basis. Any records received pursuant to this section shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph.*

3 Use of Personal Information Records. Amend RSA 260:14, IV to read as follows:

IV.(a) Except for a person's photograph, computerized image and social security number, motor vehicle records shall be made available, upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the ~~[use of the]~~ records will be strictly limited to one of the following described uses:

[a](1) Motor vehicle manufacturers, or their authorized agents, for use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

[b](2) Insurance companies authorized to write automobile insurance policies in this state, or by self-insured entities, or their authorized agents, for use in connection with claims investigation activities, anti-fraud activities, rating or underwriting.

*(b) No motor vehicle records made available under this section shall be sold, rented, transferred or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person, except that an authorized agent may make such records available to any principal on whose behalf the records were sought if the name of that principal was provided to the department at the time the records were sought.*

4 Restriction on Uses of Motor Vehicle Records. Amend the introductory paragraph of RSA 260:14, V(a) to read as follows:

V.(a) Except for a person's photograph, computerized image and social security number, motor vehicle records may be made available upon proof of the identity of the person requesting the records



and representation by such person on a form satisfactory to the department that the use of the records will be strictly limited to one or more of the following described uses. ~~[each such use to be separately described]~~ *which use shall be specified in the request:*

5 Access to Motor Vehicle Records by Banking Institutions. RSA 260:14, V(a)(3) is repealed and reenacted to read as follows:

(3) For use with respect to a request for a named person's motor vehicle records by a banking or similar institution, in the normal course of business, but only to verify the accuracy of personal information submitted by the individual to the bank and if such information is incorrect, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

6 Access to Motor Vehicle Records for the Purpose of Bulk Distribution for Surveys, Marketing or Solicitation. Amend RSA 260:14, V(a)(8) and (9) to read as follows:

(8) ~~For bulk distribution for surveys, marketing or solicitations [if the department has implemented methods and procedures to ensure that~~

~~(i) Persons are provided an opportunity, in a clear, simple and conspicuous manner, to prohibit such uses by means of an option to opt out;~~

~~(ii) The information will be used, rented, or sold solely for bulk distribution for surveys, marketing, and solicitations, and that surveys, marketing, and solicitations will not be directed at those persons who have requested in a timely fashion that they not be directed at them. Such opportunity shall be provided at any time on request. In addition, the department shall provide posted conspicuous notices of the opportunities to make the selection at each of its offices at which it requests personal information. The department shall also request that the same be done by municipal agents of the department appointed pursuant to RSA 261:74-a], provided that the express consent of each person to whom such motor vehicle records pertain has been obtained. Such consent may be withdrawn at any time.~~

(9) For use with respect to a request for a named person's motor vehicle records by a public utility, as defined in RSA 362:2 and over which the public utilities commission exercised jurisdiction on July 1, 1996, to perform its public service obligations, *provided that the named person's express consent has been obtained. Such consent may be withdrawn at any time.*

7 Restrictions on Motor Vehicle Record Availability. RSA 260:14, V(b) is repealed and reenacted to read as follows:

(b)(1) A person may elect at any time not to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1), (2), (4), (5), (6) and (7). A person who so elects shall inform the department in writing, and the department shall not thereafter make the personal information available, nor shall the department make available a list of the persons who have so elected. Any elections previously made under this section shall continue in effect. A person may elect at any time not to have any personal information pertaining to such person made available as provided in subparagraphs V(a)(1), (2), (3), (4), (5), (6) and (7). A person who so elects shall inform the department in writing, and the department shall not thereafter make the personal information available, nor shall the department make available a list of the persons who have so elected. Any elections previously made under this section shall continue in effect.

(2) The department shall inform members of the public in a clear, simple and conspicuous manner of their right to make the election permitted by this subparagraph at each of its offices at which it requests personal information. The department shall also request that the same be done by municipal agents of the department appointed pursuant to RSA 261:74-a.

8 New Subparagraph; Parameters of Consent. Amend RSA 260:14, V by inserting after subparagraph (b) the following new subparagraph:

(c)(1) No person shall be required to provide his or her express consent to the release of personal information as a condition of doing business with any other person.

(2) For purposes of this section, "express consent" means upon knowledge and affirmative agreement of the person to whom the personal information pertains in a written statement dated and executed by that person that is separate and distinct from any other document and that contains at least the following:

(A) A specific description of the personal information to be disclosed.

(B) The name of the entity that is authorized to make the disclosure.

(C) Identification of the entity or entities authorized to receive the disclosure and a specific description of the purpose for which such disclosure will be made.

(D) The expiration date of the authorization, which shall be no more than 2 years from the date of its execution.

(E) A clear, simple, and conspicuous statement that providing express consent to the release of personal information is not required in order to do business with the entity that is authorized to make the disclosure.

(F) An acknowledgment by the person executing the statement that he or she has the right to revoke the authorization at any time.

9 Sale or Transfer of Motor Vehicle Records. RSA 260:14, VI is repealed and reenacted to read as follows:

VI.(a) Except as provided in subparagraph (b), an authorized recipient of personal information for a particular use under the provisions of subparagraph V(a) may not use the information, sell, rent, transfer, or make the information available to another person for the same or for any other use.

(b) An authorized recipient of personal information for a particular use under subparagraphs V(a)(4), (8), and (9) may sell, rent, transfer or make the information available to another person for the same use only, subject to the limitations in the particular subparagraph.

(c) An authorized recipient of personal information for a particular use under the provisions of subparagraph VI(b) who sells, rents, transfers or uses the information, or makes the information available to another person, for the same use shall be required by the department to (1) maintain for a period of not less than 5 years records identifying each person who receives the information and the permitted purpose for which the information will be used; and (2) make such records available to the department on request.

10 Penalties for Unlawful Use of Motor Vehicle Records. Amend RSA 260:14, IX to read as follows:

IX.(a) A person is guilty of a ~~class B~~ misdemeanor if such person knowingly discloses information from a department record to a person known by such person to be an unauthorized person; knowingly makes a false representation to obtain information from a department record; or knowingly uses such information for any use other than the use authorized by the department. In addition, any professional or business license issued by this state and held by such person may, upon conviction and at the discretion of the court, be revoked permanently or suspended. Each such unauthorized disclosure, unauthorized use or false representation shall be considered a separate offense.

*(b) A person is guilty of a class B felony if, in the course of business, such person knowingly sells, rents, offers, or exposes for sale motor vehicle records to another person in violation of this section.*

11 New Paragraphs; Fees for Release of Motor Vehicle Records. Amend RSA 260:14 by inserting after paragraph XII the following new paragraphs:

XIII. Notwithstanding the provisions of RSA 91-A, the department may charge reasonable fees for the release of information under this section. In determining a reasonable fee, the department shall consider factors such as labor and production costs, as well as the market value of the information.

XIV. Any person determined by the commissioner, after hearing, to have violated any provisions of this section may be barred from receiving motor vehicle records for a period not to exceed 5 years.

XV.(a) Motor vehicle records obtained from the department under the provisions of subparagraph V(a)(4) and (8) shall be obtained separately for each use specified under subparagraph V(a)(4) and (8), one use to a request, provided that the commissioner may grant a request from a legitimate business for multiple uses if:

(1) The commissioner determines the legitimate business has responsible business practices including, but not limited to, data privacy and security policies.

(2) The legitimate business provides the commissioner with a list of all users of the information, including the name and address of the business, provided, however, that such list shall not be a public record available for public inspection pursuant to RSA 91-A.

(3) The subsequent users are required by the legitimate business to certify compliance with RSA 260:14 and shall be conspicuously informed that they are prohibited from reselling, transferring, or assigning any motor vehicle record information, including personal information.

(4) The legitimate business certifies its compliance with RSA 260:14 on a form prescribed by the department, including posting a bond if required by the commissioner.

(b) All legitimate businesses approved under this paragraph shall be charged a reasonable fee as determined by the commissioner that reflects the number of multiple uses authorized, the volume of the legitimate business' resale business, and the market value of the information.

XVI. The commissioner may limit the information contained in motor vehicle records released to any person under this section if it is determined by the commissioner that the release of certain personal information is unnecessary.

XVII. The provisions of this section shall be severable if any phrase, clause, sentence or provision is declared contrary to the constitution of this state or the United States.

12 Effective Date.

I. Section 1 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill creates a new criminal classification for aggravated vehicular assault. The bill also further defines the various circumstances under which a person's motor vehicle record may be released, and provides added measures of security to those persons wishing to restrict its use.

Adopted.

Report adopted and ordered to third reading.

**SB 457**, relative to ownership of certified public accounting firms. OUGHT TO PASS

Rep. Carolyn A. Virtue for Executive Departments and Administration: SB 457 changes the ownership requirements for firms of certified public accountants and public accountants from 66 2/3 percent to 51 percent. The bill maintains majority ownership be held by a licensee, but allows more flexibility for firms wishing to retain non-CPA employees. All actions of the firms will still be subject to the laws and rules of the board of accountancy. Vote 13-1.

Reps. Rosenfield and Goulet spoke against.

The report failed.

Rep. Goulet moved Refer for Interim Study.

Adopted.

**SB 424**, relative to controlled substances used for pain management. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Rowe for Judiciary: This bill clarifies the professional use of controlled substances for pain management and encourages physicians in the proper application of pain medication. Physicians testified that appropriate pain management greatly aids patients with acute or chronic pain. This bill enhances the quality of life for those who are terminally ill. SB 424 does not provide immunity from liability when drugs are used in an improper manner or for the illegal purpose of causing death. Vote 13-0.

### Amendment (4156h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Professional Use of Controlled Substances. Amend RSA 318-B:10 by inserting after paragraph VIII the following new paragraph:

IX. If, in the judgment of a physician licensed under RSA 329, appropriate pain management warrants a high dosage of controlled drugs and the benefit of the relief expected outweighs the risk of the high dosage, the licensed physician may administer or cause to be administered such a dosage, even if its use may increase the risk of death, so long as it is not furnished for the purpose of causing, or the purpose of assisting in causing, death for any reason and so long as it falls within rules of the board of medicine.

Amend RSA 329:9, XV-a as inserted by section 3 of this act by replacing it with the following:

XV-a. Procedures for appropriate pain management pursuant to RSA 318-B:10, IX.

Adopted.

Rep. Lozeau spoke in favor and yielded to questions.

Adopted and ordered to third reading.

### RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills

be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 18, 2000 at 10:00 a.m.

Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

*SB 472*, relative to final authorization of electric rate reduction financing and commission action.

*SB 393*, relative to single producer licensing.

*SB 436*, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

*SB 439-FN*, relative to motor vehicle offenses resulting in serious bodily injury.

*SB 424*, relative to controlled substances used for pain management.

### **RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of receiving Senate messages, forming committees of conference, enrolled bill amendments and enrolled bill reports only.  
Adopted.

The House recessed at 4:55 p.m.

### **RECESS**

#### **(Speaker Sytek in the Chair)**

Rep. John Flanders moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 17

Thursday, May 18, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Surprising and expectant Creator of all that is, seen and unseen, who has woven our world like a multi-colored tapestry of beauty and grace, bless the work and deliberations of this House that we may rightly use the loom of our free and democratic process to enhance and protect the lives of all citizens in our beloved New Hampshire. Amen.

Rep. Durham led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Patricia Cote, DeChane, Hoadley, LaMott, Langer, Nichols, Perkins, Schanda and Searles, the day, illness.

Reps. Bridle, Chabot, Dearborn, Desrosiers, Dudley, Emerton, Eugene Gagnon, Langone, Lent, Lerandau, Martin, Morse, Picconi, Neil Reardon, Riley, Robb-Theroux, Ruffner, Ronald Russell, Salatiello, Sarette, Edwin Smith, and Whittier, the day, important business.

Rep. Tate, the day, illness in the family.

### INTRODUCTION OF GUESTS

Jennifer Shultis, guest of Rep. Shultis. Barbara Brewster and Audrey Shaefer, wife and guest of Rep. Brewster. Michael Glenn, guest of Rep. O'Hearn. Doris Johnson, mother of Rep. Nancy Johnson. Christy Greene, guest of Rep. Avery. New Hampshire mothers who took part in the Million Mom March in Washington, guests of Rep. Hansen.

### SPECIAL GUESTS

The Bow Girls' State Class M Championship Basketball Team and the Bow Girls' State Championship Gymnastics Team, guests of the House.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1188-FN-L**, relative to alternative kindergarten programs. (Amendment printed SJ 5/11/00)

Rep. O'Hearn moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. O'Hearn, Kurk, Belvin and Snyder.

**HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Amendment printed SJ 5/11/00)

Rep. Hess moved that the House nonconcur and request a Committee of Conference.

Adopted by the necessary two-thirds.

The Speaker appointed Reps. Alukonis, Brundige, Leber and Vaughn.

### REGULAR CALENDAR

**SB 334**, relative to credit unemployment insurance. **OUGHT TO PASS**

Rep. Tim S. McGough for Commerce: This bill authorizes insurers to sell credit unemployment insurance. This insurance product is similar in nature to credit life and disability insurance commonly offered by credit card companies and banks in conjunction with credit card and loan accounts. It provides for payment of credit accounts in case of loss of employment. The practice of offering

this product is common and has been overseen by the Department of Insurance but no statutory authority exists so this bill was submitted to clarify that this product can be offered and is subject to the constraints and controls of any insurance product sold in New Hampshire. Although the product has already been sold commonly in our state, in order to protect the consumer the majority of the committee felt that it was important to include this type of insurance under the purview of the insurance department and to formally mention it in statute. Vote 14-5.

Adopted by the necessary two-thirds.

**SB 353**, relative to sales of insurance by financial institutions. **OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill amends the laws regulating the sale of insurance by financial institutions and removes the restriction on financial institutions offering insurance products in communities exceeding populations of 5000. The bill also includes provisions regarding the separation of banking and insurance activities. The amendment gives the Commissioner of Insurance rule-making authority for the administration of any provision or provisions required by the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relates to insurance. Vote 11-7.

**Amendment (4286h)**

Amend the bill by inserting after section 11 the following and renumbering the original sections 12-13 to read as 13-14, respectively:

12 Rules and Regulations. Amend RSA 400-A:15, I to read as follows:

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of any provision or provisions of this title *or of the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relate to insurance* and such other rules and regulations as are reasonably necessary to implement [the] such provisions [of this title].

Adopted by the necessary two-thirds.

**CLERK'S NOTE**

The constitutionally required two-thirds of the membership was declared present.

**SB 353 (CONT'D.)**

Rep. Kurk offered a floor amendment.

**Floor Amendment (4554h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to sales of insurance by financial institutions and the disclosure of customer financial information by financial institutions.

Amend the bill by replacing all after section 12 with the following:

**13 Findings and Purpose.**

I. It is the policy of this state to protect the privacy of customers of financial institutions without unduly inhibiting the free flow of commerce or legitimate law enforcement activities.

II. Privacy is a fundamental right of the citizens of the state of New Hampshire. The evolution of information technology, including the means of collecting, analyzing and transmitting data, now permits uses of personal information that severely threaten the privacy of the citizens of this state.

III. The sale, exchange, and dissemination of information relating to customers of financial institutions, for purposes not directly related to providing services customers have purchased or applied for, have caused significant harm to the people and the economy of this state. Such sale, exchange, and dissemination of information subjects consumers to fraudulent, misleading, deceptive, or intrusive telephone, direct mail, or internet solicitations; to fraud and abuse, including identity theft and unauthorized charges; and to discrimination in the offer or sale of products or services.

IV. Customers' relations with financial institutions are based on trust and confidence. Such trust and confidence are severely threatened by lack of adequate information concerning such institutions' privacy policies and information practices and by lack of customer control over the use and dissemination of their personal information. The customer trust necessary to the proper functioning of financial institutions depends on customers understanding and having opportunities to prevent disclosure of personal information for purposes not directly related to providing the services customers choose to purchase or apply for.

14 New Chapter; Disclosure of Customer Financial Information by Financial Institutions. Amend RSA by inserting after chapter 383 the following new chapter:

#### CHAPTER 383-A

#### DISCLOSURE OF CUSTOMER FINANCIAL INFORMATION

383-A:1 Definitions. In this chapter:

I. "Affiliate" means "affiliate" as defined in the federal Financial Services Modernization Act of 1999.

II. "Credit reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of reporting to third parties on the credit rating or creditworthiness of any consumer.

III. "Customer" means any person who deposits, borrows, invests, or insures with a financial institution, including a surety or a guarantor on a loan.

IV. "Financial information" means an original or copy of, or information derived from:

(a) A document that grants signature authority over a deposit or share account;

(b) A statement, ledger card, or other record of a deposit or share account that shows transactions in or with respect to that deposit or account;

(c) A check, clear draft, or money order that is drawn on a financial institution or issued and payable by or through a financial institution;

(d) Any item, other than an institutional or periodic charge, that is made under an agreement between a financial institution and another person's deposit or share account;

(e) Any information that relates to a deposit or share account, an application for a deposit or share account, a loan account or an application for a loan; or

(f) Evidence of a transaction conducted by electronic or telephonic means.

(g) Any information that relates to an insurance policy or application for such policy including in each case health information and medical and family history however obtained.

(h) Any information that relates to a securities account or an application for such account.

(i) Any information that relates to a customer of an affiliate of a financial institution.

V. "Financial institution" means a bank, savings and loan association, credit union, bank subsidiary, lender, loan servicer, loan or mortgage broker, sales finance company, or similar organization licensed or required to be licensed pursuant to the laws of New Hampshire, or under the laws of the United States, or under the laws of any other state or territory of the United States, and an affiliate of any of them, including any institution which sells, services or underwrites insurance or insurance products, or securities or securities products.

VI. "Mercantile agency" means any person, which for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating business credit information or other information on businesses for the purpose of reporting to third parties on the credit rating or creditworthiness of any business.

383-A:2 Disclosure of Financial Records Prohibited. Except as otherwise expressly provided in this chapter, a financial institution, its officers, employees, agents, and directors shall not disclose to any person any financial information relating to a customer who has elected to bar such disclosure. A customer shall be notified of the right to so elect in the same form and timing as is provided for similar elections in the Financial Services Modernization Act of 1999. A financial institution may not refuse to do business with a customer or potential customer who makes such an election.

383-A:3 Exceptions.

I. The provisions of this chapter shall not prohibit any of the following activities with respect to disclosures of financial information of a customer who has elected to bar disclosure of financial information pursuant to RSA 383-A:2:

(a) Disclosure of information to the customer after proper identification.

(b) Disclosure of information sought by the department of health and human services, office of child support pursuant to its authority and obligations under RSA 161-C:3-a, or by an agency of similar function of another state, pursuant to similar authority.

(c) Disclosure of information sought by the department of health and human services pursuant to its authority and obligations regarding public assistance under RSA 167.

(d) Disclosure sought by higher education loan corporations pursuant to the authority and obligations under RSA 195-E.



(e) The preparation, examination, handling, or maintenance of financial records by any officer, employee, or agent of a financial institution that has custody of the records.

(f) The examination of financial records by a certified public accountant while engaged by the financial institution to perform an independent audit.

(g) The disclosure of information to a collection agency, its employees or agents, or to any person engaged by the financial institution to assist in recovering an amount owed to the financial institution, if such disclosure is made in the furtherance of recovering such amount.

(h) The examination of financial records by, or the disclosure of financial records to, any officer, employee, or agent of a state or federal regulatory agency under authority of state or federal law for use only in the exercise of that person's duties as an officer, employee, or agent.

(i) The publication of information derived from financial records if the information cannot be identified to any particular customer, deposit, or account.

(j) The making of reports, disclosures, or returns required by federal or state laws.

(k) The disclosure of any information permitted to be disclosed under the laws governing dishonor of negotiable instruments.

(l) The exchange, in the regular course of business, of credit information between a financial institution and a credit reporting agency, provided such exchange is in compliance with the fair credit reporting act, RSA 359-B, and the federal Fair Credit Reporting Act, 15 U.S.C. section 1681 et. seq.

(m) The exchange, in the regular course of business, of information between a financial institution and a mercantile agency, provided such exchange is solely for the purpose of reporting to third parties on the credit rating or creditworthiness of any business, and is in compliance with the fair credit reporting act, RSA 359-B, and the federal Fair Credit Reporting Act, 15 U.S.C. section 1681 et. seq.

(n) The exchange of loan information that specifically affects a sale, foreclosure, or loan closing, provided such exchange is for the purpose of accomplishing such sale, foreclosure, or loan closing.

(o) The disclosure to civil or criminal law enforcement authorities for use in the exercise of such authority's duties, or the sharing of information, within an industry network, of suspected criminal activities.

(p) Disclosures requested pursuant to a summons for trustee process.

(q) Disclosure requested pursuant to subpoena or civil investigative demand, provided that no disclosure shall be made until 10 days after the financial institution has notified the customer that financial information has been requested by subpoena or civil investigative demand. Such notice shall be served by first class mail to the customer at the most recent address known to the financial institution. The provisions of this chapter shall not apply where the subpoena or civil investigative demand is issued by or on behalf of a regulatory, criminal, or civil law enforcement agency.

(r) Disclosure required by order of court.

(s) Disclosure of customer financial information among directors, officers, employees, or agents of affiliated financial institutions, provided that such disclosure is limited to information necessary or appropriate to the fulfillment of any such persons' duties and responsibilities to the financial institution or institutions to facilitate transactions or the delivery of services requested by a customer or otherwise necessary to provide services in connection with applications for or existing contractual or service relationships between a customer and a financial institution.

(t) Disclosure of customer financial information of one financial institution to another financial institution in connection with a proposed merger, consolidation, acquisition or other reorganization transaction involving such institution, provided that no further disclosure is made except in compliance with this chapter, and provided further that such disclosure is made in compliance with the fair credit reporting act, RSA 359-B, and the federal Fair Credit Reporting Act, 15 U.S.C. section 1681 et. seq.

(u) Disclosure sought by the department of revenue administration pursuant to its authority and obligations under RSA 21-J or by federal or other state taxing or revenue authorities

II. This section shall not be construed to:

(a) Require any financial institution to make any disclosure not otherwise required by law.

(b) Require or encourage any financial institution to alter any procedures or practices not inconsistent with this chapter.



(c) Expand or create any authority in any person or entity other than a financial institution.  
 383-A:4 Rulemaking. The bank commissioner and the insurance commissioner may adopt separate and/or joint rules, pursuant to RSA 541-A, relative to the administration and enforcement of this chapter.

#### 383-A:5 Penalties; Civil Actions.

I. In addition to any authority granted to the bank commissioner under this title, the bank commissioner may impose an administrative penalty of not less than \$1,000 for each violation of this chapter resulting from willful conduct, or from a failure by a financial institution to reasonably supervise its employees to prevent violations of this chapter.

II. A customer of a financial institution whose customer information was negligently or willfully disclosed in violation of this chapter may recover in a civil action the actual damages and any attorneys' fees, provided that a customer prevailing in such an action shall be awarded not less than \$1,000.

#### 15 Effective Date.

1. Sections 13-14 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill makes changes to the laws regulating sale of insurance by financial institutions, including removing the "place of 5,000" restriction on insurance sales, changing provisions regarding the separation of banking and insurance activities, and repealing certain rulemaking provisions.

This bill also limits the disclosure of information relating to a customer by financial institutions to certain specified activities and establishes penalties for willful or negligent disclosure of customer financial information.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Hunt spoke against.

Rep. Vachon spoke in favor.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being the adoption of the floor amendment.

### YEAS 178 NAYS 135

#### YEAS 178

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Johnson, James
Millham, Alida	Rice, Thomas	Rosen, Ralph	Russell, David
Wendelboe, Francine	Wood, Jane		

#### CARROLL

Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Lyman, L Randy
Mock, Henry	Philbrick, Donald	Sullivan, P Judith	Torressen, Gary

#### CHESHIRE

Burnham, Daniel	Doucette, Richard	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Roberts, William			

#### COOS

Davis, Perley	Gallus, John	Mears, Edgar	Pratt, Leighton
Woodward, David			

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Copenhaver, Marion	Gilman, G Michael	Hall, David	Harmon, Hobart
Johnson, Gary	Mirski, Paul	Weber, Phil	

#### HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien

Bruno, Pierre  
 Daniels, Gary  
 Fenton, James  
 Ginsburg, Ruth  
 Holley, Sylvia  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 Melcher, Harold  
 Mosher, William  
 Rowe, Robert  
 White, Donald

Carlson, Donald  
 Dokmo, Cynthia  
 Fletcher, Richard  
 Goulet, Maurice  
 Hunter, Bruce  
 LaRose, Richard  
 Martel, Andre  
 Messier, Irene  
 O'Connell, Timothy  
 Thulander, O Alan

Christiansen, Lars  
 Durham, Susan  
 Foster, Linda  
 Haley, Robert  
 Jean, Loren  
 Leishman, Peter  
 McCarthy, William  
 Milligan, Robert  
 Pepino, Leo  
 Vaillancourt, Steve

Cote, David  
 Dwyer, Paul Sr  
 Garrish, Linda  
 Hall, Betty  
 Kurk, Neal  
 Leonard, Peter  
 McRae, Karen  
 Moran, Edward  
 Reeves, Sandra  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Kennedy, Richard  
 Lockwood, Priscilla  
 Poulin, Dave  
 St Cyr, Gerard

Bouchard, Candace  
 Larrabee, David Sr  
 Marple, Richard  
 Rodd, Beth

Chase, George  
 Lavoie, Gerard  
 Marshall, Kenneth  
 Rosenfield, Jay

Gile, Mary  
 Leber, William  
 Maxfield, Roy  
 Seldin, Gloria

### ROCKINGHAM

Abbott, Dennis  
 Clark, Vivian  
 Flanders, David  
 Griffin, Mary  
 Kane, Cecelia  
 Lovejoy, Marian  
 Nowe, Mary Lou  
 O'Neil, Michael  
 Priestley, Anne  
 Sabella, Norma  
 Varrell, Thomas

Beaulieu, Jon  
 Cox, Russell  
 Gibbons, Paul  
 Hamel, Albert  
 Kelley, William  
 McKinney, Betsy  
 Nowe, Ronald  
 Packard, Sherman  
 Putnam, Ed II  
 Stickney, Nancy  
 Weatherspoon, Jackie

Bishop, Franklin  
 Dalrymple, Janeen  
 Gleason, John  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Mikowski, Walter  
 Noyes, Richard  
 Pantelakos, Laura  
 Quandt, Marshall  
 Stritch, C Donald  
 Weyler, Kenneth

Case, Margaret  
 Fesh, Robert  
 Grant, Kenneth  
 Johnson, Robert  
 Letourneau, Robert  
 Moore, Benjamin  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Raynowska, Bernard  
 Tufts, J Arthur  
 Zolla, William

### STRAFFORD

Bickford, David  
 Domingo, Baldwin  
 Johnson, Nancy  
 McKinley, Robert  
 Spear, Barbara

Brown, George  
 Dunlap, Patricia  
 Kaen, Naida  
 Rogers, Rose Marie  
 Vachon, Dennis

Brown, Julie  
 Gilmore, Gary  
 Keans, Sandra  
 Smith, Marjorie  
 Wall, Janet

Cossette, Larry  
 Heon, Richard  
 Knowles, William  
 Spang, Judith  
 Woods, Phyllis

### SULLIVAN

Flint, Gordon Sr  
 Wiggins, Celestine

Leone, Richard

Phinizy, James

Tuthill, John

### NAYS 135

### BELKNAP

Boriso, Thomas  
 Turner, Robert

Holbrook, Robert

Pilliod, James

Thomas, John

### CARROLL

Bradley, Jeb

Chandler, Gene

Kenney, Joseph

Patten, Betsey

### CHESHIRE

Avery, Stephen  
 Lynch, Margaret  
 Royce, H Charles

Batchelder, Robert  
 Lynott, Margaret  
 Zerba, Roger

Blaisdell, Michael  
 Robertson, Timothy

Hunt, John  
 Rose, William

### COOS

Guay, Lawrence  
 Rodrigue, Robert

Horton, Lynn  
 Tholl, John Jr

Landers, Dana

Merrill, Gerald

**GRAFTON**

Cobb, John  
Marshall, Gene

Densmore, Jessica  
Nordgren, Sharon

Eaton, Stephanie  
Phinney, William

Guest, Robert  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Burkush, James  
Cote, Peter  
Dalianis, Griffin  
Flora, Kathleen  
Hansen, Herbert  
Johnson, Lionel  
Lessard, Rudy  
McColgan, Philip Jr  
Mercer, Robert  
O'Hearn, Jane  
Sargent, Maxwell

Arthur, Rose  
Calawa, Leon Jr  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Herman, Keith  
Keye, Harvey  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Moriarty, Mary  
Pappas, Marc  
Turgeon, Roland

Brundige, Robert  
Clegg, Robert Jr  
Curran, James  
Dyer, Merton  
Gorman, Mary  
Herman, Richard  
Konys, Christine  
Lynde, Harold  
McGough, Tim  
Murphy, Robert  
Peterson, Andrew  
White, John

Buckley, Raymond  
Clemons, Jane  
Daigle, Robert  
Fields, Dennis  
Haettenschwiller, Alphonse  
Jean, Claudette  
LaPorte, George  
McCarty, Winston  
Mendenhall, Leslie  
Nolan-Piteri, Dawn  
Reidy, Frank  
Williams, Carol

**MERRIMACK**

Brewster, Richard  
Feuerstein, Martin  
Moore, Carol  
Virtue, Carolyn  
Yeaton, Charles

Crosby, Toni  
Fortnam, Janet  
Owen, Derek  
Wallin, Jean

Daneault, Gabriel  
Fraser, Marilyn  
Potter, Frances  
Wallner, Mary Jane

Davis, Francis  
French, Barbara  
Reardon, Tara  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Cooney, Richard  
Francoeur, Sheila  
Major, Norman  
Stone, Joseph

Belanger, Ronald  
Downing, Michael  
Henderson, Warren  
Norelli, Terie  
Weare, Everett

Blanchard, MaryAnn  
Flanagan, Natalie  
Hutchinson, Rebecca  
Shelton, Richard  
Welch, David

Clark, Martha  
Flanders, John Sr  
Langley, Jane  
Shultis, Elizabeth

**STRAFFORD**

Berube, Roger  
Grassie, Anne  
Rollo, Michael  
Vincent, Francis

Brennan, William  
Lundborn, Raymond  
Taylor, Kathleen

Callaghan, Frank  
Musler, George  
Torr, Franklin

Estabrook, Iris  
Pelletier, Arthur  
Twardus, Joseph

**SULLIVAN**

Allison, David  
Jones, Constance

Burling, Peter

Cloutier, John

Donovan, Thomas Jr

and the floor amendment was adopted.  
Report adopted and ordered to third reading.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Kurk moved that the House reconsider its action whereby it ordered to third reading **SB 353**, relative to sales of insurance by financial institutions, and spoke against.

Rep. Hunt spoke in favor.

On a division vote, 132 members having voted in the affirmative and 182 in the negative, reconsideration failed.

**REGULAR CALENDAR (CONT'D.)**

**SB 363**, relative to the sale of malt beverages. **OUGHT TO PASS WITH AMENDMENT**

Rep. Stephen G. Avery for Commerce: This legislation will give the police and liquor enforcement personnel an important tool in helping find people who supply alcohol to minors. It requires that all kegs of beer that are sold directly to consumers have identification on them so that if a keg is

found at an underage drinking party, it can be traced to the purchaser. While all direct purchasers are now required to produce identification and to register when purchasing kegs of beer, there has been no way to trace particular kegs. Also in this bill is an easing of the requirements for out-of-state alcohol beverage manufacturers and importers to register for in-state direct shipping, and a reorganization of wine vendor fees and the repeal of the registration requirement of wine brand sizes. This bill is strongly supported by the Liquor Commission, Police Chiefs Association, and colleges and universities within the state. Vote 15-1.

### Amendment (4424h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Alcoholic Beverages; Enforcement, Requirements, and Penalties; Kegs of Malt Beverages. Amend RSA 179 by inserting after section 5 the following new section:

179:5-a Sale of Kegs of Malt Beverages; Penalty.

I. The commission by rule shall require the identification of kegs of malt beverages sold directly to consumers who are not licensees of the commission and the signing of a receipt therefor by the purchaser in order to allow the kegs to be traced if the contents are consumed in violation of the Title XIII. The keg identification shall be in a form prescribed by the commission which identifies the seller and which is removable or obliterated when the keg is processed for refilling. The receipt shall be on a form prescribed and supplied by the commission and shall include the purchaser's name, address, and motor vehicle operator's license number, if any. The receipt shall contain a statement that shall be signed by the purchaser that, under penalty of unsworn falsification, the purchaser shall not allow consumption of any malt beverage in the keg in violation of the provisions of RSA 179:5. A copy of the receipt shall be given to the purchaser and the seller shall retain the original receipt for such period as the commission by rule may require.

II. Possession of a keg containing malt beverage, which is not identified as required by paragraph I of this section, shall be a violation.

III. Any person, other than a beverage manufacturer or wholesaler, who removes the identification prescribed by paragraph I shall be guilty of a violation.

IV. A person who signs a receipt described in paragraph I in order to obtain a keg, knowing the receipt to be false, or who falsifies any information required on the receipt, is guilty of unsworn falsification as prescribed by RSA 641:3.

V. As used in this section, "keg" means any brewery-sealed, individual container of malt beverage having a liquid capacity of more than 7 gallons.

2 Liquor Licenses and Fees; Direct Shippers; Permits. Amend RSA 178:14-a, I to read as follows:

1.(a) Notwithstanding any law, rule or regulation to the contrary, any person currently licensed in its state of domicile as an alcohol beverage manufacturer, importer, wholesaler or retailer shall apply for a registration permit from the liquor commission [~~as a direct shipper for a fee of \$228 per year~~].

(b) *Applicants for a direct shipper permit shall be exempt from the requirement of RSA 178:1, I, which requires registration with the secretary of state, if the applicant is duly organized and registered to do business under the laws of the state in which the applicant is domiciled.*

3 Liquor Licenses and Fees; Direct Shippers; Permits; Rulemaking. Amend RSA 178:14-a, VI (a) to read as follows:

(a) The application procedures [~~and~~], form, *and fee* for the direct shipper registration permit authorized under paragraph I.

4 Liquor Licenses and Fees; Annual Wine and Liquor Licenses. Amend 178:27, V(c) to read as follows:

(c) Wine vendors:

(1) [~~Initial license, \$228~~] *Sales of less than 1,000 cases per year, \$300.*

(2) [~~Sales of less than 1,000 cases per year, \$228~~] *Sales of between 1,000 and 5,000 cases per year, \$1,500.*

(3) Sales of between [~~1,000~~] 5,000 and [~~5,000~~] 10,000 cases per year, [~~\$1,140~~] \$3,000.

(4) Sales of between [~~5,000 and~~] 10,000 and 25,000 cases per year, [~~\$2,256~~] \$6,000.



(5) Sales of [~~over 10,000 cases per year, \$4,800~~] *between 25,000 and 50,000 cases per year, \$9,000.*

(6) *Sales of over \$50,000 cases per year, \$12,000.*

5 Repeal. RSA 179:36, relative to registration of wine brand sizes, is repealed.

6 Effective Date. This act shall take effect January 1, 2001.

### AMENDED ANALYSIS

This bill:

I. Requires the identification of kegs of malt beverages sold directly to consumers.

II. Requires that consumers who purchase kegs of malt beverages sign a receipt prescribed by the liquor commission and makes falsification of the receipt a crime.

III. Amends the requirements governing direct shipper permits for alcohol beverage manufacturers and distributors.

IV. Amends the fee requirements for annual wine and liquor licenses and repeals the registration requirement of wine brand sizes.

Rep. Kurk requested that Section 1. of the amendment be voted on separately. The Speaker ruled the question was divisible.

Rep. Kurk spoke against.

Rep. Avery spoke in favor and yielded to questions.

Rep. Avery requested a roll call; sufficiently seconded.

The question being the adoption of Section 1.

### YEAS 232 NAYS 84

#### YEAS 232

##### BELKNAP

Bartlett, Gordon  
Pilliod, James

Boriso, Thomas  
Turner, Robert

Holbrook, Robert  
Wendelboe, Francine

Millham, Alida  
Wood, Jane

##### CARROLL

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph

##### CHESHIRE

Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
Richardson, Barbara  
Royce, H Charles

Batchelder, Robert  
Hunt, John  
Meador, David  
Roberts, William  
Zerba, Roger

Blaisdell, Michael  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene  
Rose, William

##### COOS

Davis, Perley  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Mears, Edgar  
Tholl, John Jr

Merrill, Gerald

##### GRAFTON

Alger, John  
Copenhaver, Marion  
Harmon, Hobart  
Scanlan, David

Almy, Susan  
Densmore, Jessica  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Guest, Robert  
Nordgren, Sharon

Cobb, John  
Ham, Bonnie  
Phinney, William

##### HILLSBOROUGH

Ahern, Richard  
Bergeron, Lucien  
Carlson, Donald  
Cote, Peter  
Daigle, Robert  
Durham, Susan

Arnold, Thomas Jr  
Brundige, Robert  
Clegg, Robert Jr  
Coughlin, Pamela  
Dalianis, Griffin  
Dwyer, Paul Sr

Arthur, Rose  
Buckley, Raymond  
Clemons, Jane  
Craig, James  
Dawe, Eileen  
Dyer, Merton

Baroody, Benjamin  
Burkush, James  
Cote, David  
Curran, James  
Drabinowicz, A Theresa  
Fields, Dennis

Fletcher, Richard  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Herman, Richard  
 Keye, Harvey  
 LaRose, Richard  
 Lynde, Harold  
 McCarty, Winston  
 Mendenhall, Leslie  
 Mosher, William  
 O'Hearn, Jane  
 Reidy, Frank  
 Williams, Carol

Flora, Kathleen  
 Ginsburg, Ruth  
 Haley, Robert  
 Holley, Sylvia  
 Konys, Christine  
 Leishman, Peter  
 MacGillivray, Jeffrey  
 McColgan, Philip Jr  
 Messier, Irene  
 Murphy, Robert  
 Pappas, Marc  
 Rowe, Robert

Foster, Linda  
 Goley, Jeffrey  
 Hall, Betty  
 Jean, Claudette  
 L'Heureux, Robert  
 Leonard, Peter  
 Martel, Andre  
 McDonough-Wallace, Alice  
 Milligan, Robert  
 Nolan-Piteri, Dawn  
 Pepino, Leo  
 Turgeon, Roland

Franks, Suzan  
 Gorman, Mary  
 Hansen, Herbert  
 Johnson, Lionel  
 LaPorte, George  
 Lozeau, Donnalee  
 McCarthy, William  
 Melcher, Harold  
 Moriarty, Mary  
 O'Connell, Timothy  
 Reeves, Sandra  
 White, John

## MERRIMACK

Bouchard, Candace  
 Daneault, Gabriel  
 Fraser, Marilyn  
 Lavoie, Gerard  
 Potter, Frances  
 Rosenfield, Jay  
 Yeaton, Charles

Brewster, Richard  
 Davis, Francis  
 Gile, Mary  
 Leber, William  
 Poulin, Dave  
 Wallin, Jean

Chase, George  
 Feuerstein, Martin  
 Hess, David  
 Marshall, Kenneth  
 Reardon, Tara  
 Wallner, Mary Jane

Crosby, Toni  
 Fortnam, Janet  
 Larrabee, David Sr  
 Maxfield, Roy  
 Rodd, Beth  
 Whalley, Michael

## ROCKINGHAM

Arndt, Janet  
 Case, Margaret  
 Cox, Russell  
 Flanders, David  
 Griffin, Mary  
 Johnson, Robert  
 McKinney, Betsy  
 O'Keefe, Patricia  
 Priestley, Anne  
 Shultis, Elizabeth  
 Tufts, J Arthur  
 Weyler, Kenneth

Beaulieu, Jon  
 Clark, Martha  
 DiFruscia, Anthony  
 Flanders, John Sr  
 Hamel, Albert  
 Langley, Jane  
 Moore, Benjamin  
 O'Neil, Michael  
 Quandt, Marshall  
 Stickney, Nancy  
 Weare, Everett

Belanger, Ronald  
 Clark, Vivian  
 Downing, Michael  
 Francoeur, Sheila  
 Henderson, Warren  
 Lovejoy, Marian  
 Norelli, Terie  
 Pantelakos, Laura  
 Sabella, Norma  
 Stone, Joseph  
 Weatherspoon, Jackie

Blanchard, MaryAnn  
 Cooney, Richard  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Rebecca  
 Major, Norman  
 Noyes, Richard  
 Pitts, Jacqueline  
 Shelton, Richard  
 Stritch, C Donald  
 Welch, David

## STRAFFORD

Berube, Roger  
 Domingo, Baldwin  
 Heon, Richard  
 McKinley, Robert  
 Rollo, Michael  
 Spear, Barbara  
 Vachon, Dennis

Brown, George  
 Estabrook, Iris  
 Johnson, Nancy  
 Musler, George  
 Smith, Marjorie  
 Taylor, Kathleen  
 Vincent, Francis

Callaghan, Frank  
 Gilmore, Gary  
 Knowles, William  
 Pelletier, Arthur  
 Snyder, Clair  
 Torr, Franklin  
 Wall, Janet

Cossette, Larry  
 Grassie, Anne  
 Lundborn, Raymond  
 Rogers, Rose Marie  
 Spang, Judith  
 Twardus, Joseph

## SULLIVAN

Allison, David  
 Flint, Gordon Sr

Burling, Peter  
 Jones, Constance

Cloutier, John  
 Leone, Richard

Donovan, Thomas Jr  
 Wiggins, Celestine

## NAYS 84

## BELKNAP

Boyce, Robert  
 Rosen, Ralph

Czech, Stanley  
 Russell, David

Johnson, James  
 Thomas, John

Rice, Thomas

## CARROLL

Babson, David Jr  
 Torressen, Gary

Dickinson, Howard

Mock, Henry

Sullivan, P Judith

**CHESHIRE**

McGuirk, Paul

**COOS**

Gallus, John

Guay, Lawrence

Landers, Dana

Woodward, David

**GRAFTON**

Akins, Ralph

Eaton, Stephanie

Hall, David

Johnson, Gary

Mirski, Paul

Weber, Phil

**HILLSBOROUGH**

Alukonis, David

Andrews, Frederick

Batula, Peter

Beaupre, Roland

Belvin, William

Bruno, Pierre

Calawa, Leon Jr

Christiansen, Lars

Daniels, Gary

Fenton, James

Goulet, Maurice

Herman, Keith

Hunter, Bruce

Jean, Loren

Kurk, Neal

Lessard, Rudy

McGough, Tim

McRae, Karen

Mercer, Robert

Moran, Edward

Sargent, Maxwell

Thulander, O Alan

Vaillancourt, Steve

Wall, Nancy

White, Donald

**MERRIMACK**

Anderson, Eric

Kennedy, Richard

Lockwood, Priscilla

Marple, Richard

Owen, Derek

St Cyr, Gerard

Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis

Bishop, Franklin

Dalrymple, Janeen

Fesh, Robert

Gibbons, Paul

Grant, Kenneth

Hutchinson, Karen

Kelley, William

Kobel, Rudolph

Letourneau, Robert

Mikowski, Walter

Nowe, Mary Lou

Nowe, Ronald

Packard, Sherman

Putnam, Ed II

Raynowska, Bernard

Rubin, George

Sapareto, Frank

Varrell, Thomas

Zolla, William

**STRAFFORD**

Bickford, David

Brennan, William

Brown, Julie

Dunlap, Patricia

Kaen, Naida

Keans, Sandra

Woods, Phyllis

**SULLIVAN**

Phinizy, James

Tuthill, John

and Section 1 was adopted.

The question now being the adoption of the remainder of the amendment.

Adopted.

Report adopted and ordered to third reading.

**SB 409-FN, relative to health insurance coverage of qualified clinical trials. OUGHT TO PASS WITH AMENDMENT**

Rep. Sheila T. Francoeur for Commerce: This bill, as amended, requires a policy, plan or contract to provide coverage for all medically necessary, routine patient care costs, when the covered person is participating in Phase III or Phase IV clinical trials for cancer, or if the treatment is being provided for any other life-threatening condition. Coverage for Phase I or Phase II clinical trials shall be decided on a case by case basis. Routine patient care costs are those for which the health plan regularly reimburses its members and would not include the cost of drugs and devices subject to the clinical trial. The amendment specifies that a clinical trial must meet certain criteria. The bill also requires that the health plans and the providers participating in clinical trials develop a process to share clinical and financial data on the progress and outcome of clinical trials. Also, the member's primary care provider shall be informed of the clinical data. The amendment also provides for the establishment of a committee to study whether mandatory insurance coverage for autologous bone marrow transplants for treatment of breast cancer should continue. Recent data suggests that this treatment is not effective and this new legislation would cover the current application on this previously passed mandate. The committee felt that this issue should be reviewed in-depth this summer for potential repeal next year. Vote 18-0.

**Amendment (4346h)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Coverage for Qualified Clinical Trials. Amend RSA 415 by inserting after section 18-j the following new section:

415:18-k Coverage Required for Qualified Clinical Trials.

I. In this section:

(a) "Clinical trials of emerging technologies" mean Phase I and Phase II clinical trials.

(b) "Clinical trials of leading therapeutic or diagnostic alternatives" mean Phase III and Phase IV clinical trials.

(c) "Cooperative group" means a formal network of facilities that collaborate on research projects and have an established National Institute of Health (NIH) approved peer review program operating within the group.

(d) "FDA" means the federal Food and Drug Administration.

(e) "Member" means the policyholder, subscriber, insured, or certificate holder, or a covered dependent of a policyholder, subscriber, insured, or certificate holder.

(f) "Multiple project assurance contract" means a contract between an institution and the federal Department of Health and Human Services, that defines the relationship of the institution to the federal Department of Health and Human Services and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects.

(g) "NIH" means the National Institutes of Health.

(h) "Non-routine patient care cost" means:

(1) The cost of an investigational new drug or device that is not approved for market for any indication by the FDA.

(2) The cost of a non-health care service that a member may be required to receive as a result of the treatment being provided for the purposes of the clinical trial.

(3) The costs of services that are clearly inconsistent with widely accepted and established regional or national standards of care for a particular diagnosis.

(4) Costs associated with managing the research associated with the clinical trial.

(5) Non-covered costs under the member's policy, plan, or contract.

(i) "Routine patient care cost" means the cost of any medically necessary health care service that is incurred as a result of the treatment being provided to a member of a health plan. Routine costs are those for which the health plan regularly reimburses its members, health care providers, or health care institutions subject to the terms and conditions of the member's policy and the provider's service agreement with the insurer.

II. A policy, plan, or contract subject to this section shall provide coverage for all medically necessary routine patient care costs incurred as a result of a treatment being provided in accordance with a clinical trial to the extent such costs would be covered for noninvestigational treatments if the treatment is being provided or the studies are being conducted in a phase I, phase II, phase III, or phase IV clinical trial for cancer or the treatment is being provided for any other life-threatening condition. Coverage for phase I or phase II clinical trials shall be decided on a case by case basis.

III. The coverage required under paragraph II shall be required if:

(a) The treatment is being provided to the member in a clinical trial approved by:

(1) One of the National Institutes of Health;

(2) An NIH cooperative group or an NIH center;

(3) The FDA in the form of an investigational new drug application or exemption;

(4) The federal department of Veterans Affairs or Defense; or

(5) An institutional review board of an institution in this state that has a multiple assurance contract approved by the Office of Protection from Research Risks of the NIH.

(b) Standard treatment has been or would be ineffective, does not exist, or there is no superior non-investigational treatment alternative;

(c) The facility and personnel providing the treatment are capable of doing so by virtue of their experience, training, and volume of patients treated to maintain expertise; and

(d) The available clinical or preclinical data provide a reasonable expectation that the treatment will be at least as effective as the non-investigational alternative.



IV. A policy, plan, or contract subject to this section shall provide coverage for routine patient care costs incurred for drugs and devices provided to the member during the clinical trial, which are not the subject of the clinical trial, provided that those drugs or devices have been approved for sale by the FDA, whether or not the FDA has approved the drug or device for use in treating the member's particular condition. Nothing in this section shall be construed to abrogate the provisions of RSA 415:6-g or RSA 420-J:7-b. This coverage shall include coverage for reasonable and medically necessary services necessary to administer the drug or use the device under evaluation in the clinical trial.

V. The provisions of this section shall apply to group hospital and medical expense policies subject to RSA 415, health service corporations under RSA 420-A, health maintenance organizations under RSA 420-B, and managed care organizations under RSA 420-J.

VI. For the purposes of this section, providers participating in clinical trials shall obtain a patient's informed consent for participation in the clinical trial in a manner that is consistent with current legal and ethical standards. Such document shall be available to the health insurer upon request.

VII. Health plans providing coverage under this section and the providers participating in those same clinical trials shall develop a mutually agreed upon process to share appropriate aggregate clinical and financial data on the progress and outcome of clinical trials subject to this section. Health plans and the providers participating in clinical trials shall establish reasonable requirements for communication with the member's primary care provider regarding the member's clinical data.

VIII. The provisions of this section shall not apply to a policy, plan, or contract paid for under the federal Medicare program nor the state children's health insurance program.

2 Committee Established. There is established a committee to study insurance coverage for autologous bone marrow transplants.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study whether mandatory insurance coverage for autologous bone marrow transplants for treatment of breast cancer under RSA 415:18-c, RSA 420-A:13, and RSA 420-B:8-e should continue. Specifically, the committee's study shall include, but not be limited to, whether the treatment is standard treatment, the effectiveness of the treatment, and the results of recent trials.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill requires insurers, including managed care plans and health service corporations, to provide coverage for certain routine patient care costs incurred as a result of treatment provided to a patient in certain clinical trials.

This bill also establishes a committee to study the coverage for autologous bone marrow transplants for treatment of breast cancer.

Adopted.

Report adopted and ordered to third reading.

### SPECIAL ORDER

SB 459, relative to underinsured motorists. INEXPEDIENT TO LEGISLATE

Rep. Griffin T. Dalianis for Commerce: The Committee found no evidence that consumers were disadvantaged in any way by the existing system. Even the proponents of this bill acknowledged that the problem, if it exists, is very rare, and the Committee felt that the solution proposed was worse than the problem. Vote 16-0.

Rep. Craig spoke against.

Rep. DiFruscia spoke in favor and yielded to questions.

Rep. Hunt requested a roll call; sufficiently seconded.

The question being the adoption of the report.

## YEAS 165 NAYS 159

### YEAS 165

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Lawton, David	Pilliod, James	Rice, Thomas	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	Wendelboe, Francine

#### CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Patten, Betsey	Philbrick, Donald	

#### CHESHIRE

Avery, Stephen	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles		

#### COOS

Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Tholl, John Jr	Woodward, David	

#### GRAFTON

Akins, Ralph	Alger, John	Eaton, Stephanie	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Mirski, Paul	Phinney, William	Scanlan, David	Ward, Brien

#### HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Batula, Peter
Beaupre, Roland	Brundige, Robert	Calawa, Leon Jr	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Drabinowicz, A Theresa	Dyer, Merton
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Garrish, Linda	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Keye, Harvey	Kurk, Neal	L'Heureux, Robert	Lessard, Rudy
MacGillivray, Jeffrey	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Mosher, William	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Pepino, Leo
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Thulander, O Alan
Wall, Nancy			

#### MERRIMACK

Anderson, Eric	Crosby, Toni	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Hager, Elizabeth	Hess, David	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Poulin, Dave	Virtue, Carolyn
Whalley, Michael			

#### ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Case, Margaret	Christie, Andrew Jr	Cooney, Richard

Cox, Russell  
 Flanagan, Natalie  
 Gleason, John  
 Henderson, Warren  
 Kobel, Rudolph  
 Major, Norman  
 Nowe, Ronald  
 Rubin, George  
 Tufts, J Arthur  
 Weyler, Kenneth

Dalrymple, Janeen  
 Flanders, John Sr  
 Grant, Kenneth  
 Hutchinson, Karen  
 Langley, Jane  
 McKinney, Betsy  
 Noyes, Richard  
 Stickney, Nancy  
 Varrell, Thomas  
 Zolla, William

DiFruscia, Anthony  
 Francoeur, Sheila  
 Griffin, Mary  
 Katsakiores, George  
 Letourneau, Robert  
 Moore, Benjamin  
 Priestley, Anne  
 Stone, Joseph  
 Weare, Everett

Fesh, Robert  
 Gibbons, Paul  
 Hamel, Albert  
 Kelley, William  
 Lovejoy, Marian  
 Nowe, Mary Lou  
 Putnam, Ed II  
 Stritch, C Donald  
 Welch, David

Callaghan, Frank  
 McKinley, Robert

Dunlap, Patricia  
 Rollo, Michael

Kaen, Naida  
 Taylor, Kathleen

Lundborn, Raymond  
 Woods, Phyllis

## STRAFFORD

Young, David

## SULLIVAN

### NAYS 159

### BELKNAP

Boriso, Thomas

Johnson, James

Millham, Alida

Wood, Jane

Babson, David Jr  
 Torressen, Gary

Lyman, L Randy

Mock, Henry

Sullivan, P Judith

## CARROLL

Batchelder, Robert  
 Lynch, Margaret  
 Mitchell, McKim  
 Zerba, Roger

Blaisdell, Michael  
 Lynott, Margaret  
 Pratt, Irene

Burnham, Daniel  
 McGuirk, Paul  
 Richardson, Barbara

Doucette, Richard  
 Meader, David  
 Robertson, Timothy

## CHESHIRE

Gallus, John

Landers, Dana

Mears, Edgar

Rodrigue, Robert

## COOS

Almy, Susan  
 Densmore, Jessica  
 Nordgren, Sharon

Brothers, Richard  
 Guest, Robert  
 Weber, Phil

Cobb, John  
 Ham, Bonnie

Copenhaver, Marion  
 Johnson, Gary

## GRAFTON

## HILLSBOROUGH

Ahern, Richard  
 Bergeron, Lucien  
 Carlson, Donald  
 Craig, James  
 Fenton, James  
 Gorman, Mary  
 Herman, Richard  
 LaRose, Richard  
 Lozeau, Donnalee  
 McCarty, Winston  
 Melcher, Harold  
 Reidy, Frank  
 White, Donald

Andrews, Frederick  
 Bruno, Pierre  
 Clemons, Jane  
 Curran, James  
 Foster, Linda  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Lefebvre, Roland  
 Lynde, Harold  
 McColgan, Philip Jr  
 Moran, Edward  
 Simon, Anthony  
 White, John

Baroody, Benjamin  
 Buckley, Raymond  
 Cote, David  
 Durham, Susan  
 Ginsburg, Ruth  
 Haley, Robert  
 Konyas, Christine  
 Leishman, Peter  
 Martel, Andre  
 McDonough-Wallace, Alice  
 Moriarty, Mary  
 Turgeon, Roland  
 Williams, Carol

Belvin, William  
 Burkush, James  
 Cote, Peter  
 Dwyer, Paul Sr  
 Goley, Jeffrey  
 Hall, Betty  
 LaPorte, George  
 Leonard, Peter  
 McCarthy, William  
 McRae, Karen  
 Murphy, Robert  
 Vaillancourt, Steve

Bouchard, Candace  
 Fraser, Marilyn  
 Owen, Derek  
 St Cyr, Gerard

Brewster, Richard  
 French, Barbara  
 Potter, Frances  
 Wallin, Jean

Chase, George  
 Gile, Mary  
 Rodd, Beth  
 Wallner, Mary Jane

Daneault, Gabriel  
 Kennedy, Richard  
 Rosenfield, Jay  
 Yeaton, Charles

## MERRIMACK

**ROCKINGHAM**

Blanchard, MaryAnn  
 Flanders, David  
 Norelli, Terie  
 Pantelakos, Laura  
 Sabella, Norma  
 Weatherspoon, Jackie

Clark, Martha  
 Hutchinson, Rebecca  
 O'Keefe, Patricia  
 Pitts, Jacqueline  
 Sapareto, Frank

Clark, Vivian  
 Johnson, Robert  
 O'Neil, Michael  
 Quandt, Marshall  
 Shelton, Richard

Downing, Michael  
 Mikowski, Walter  
 Packard, Sherman  
 Raynowska, Bernard  
 Vaughn, Charles

**STRAFFORD**

Berube, Roger  
 Brown, Julie  
 Gilmore, Gary  
 Knowles, William  
 Smith, Marjorie  
 Torr, Franklin  
 Wall, Janet

Bickford, David  
 Cossette, Larry  
 Grassie, Anne  
 Musler, George  
 Snyder, Clair  
 Twardus, Joseph

Brennan, William  
 Domingo, Baldwin  
 Heon, Richard  
 Pelletier, Arthur  
 Spang, Judith  
 Vachon, Dennis

Brown, George  
 Estabrook, Iris  
 Johnson, Nancy  
 Rogers, Rose Marie  
 Spear, Barbara  
 Vincent, Francis

**SULLIVAN**

Allison, David  
 Flint, Gordon Sr  
 Tuthill, John

Burling, Peter  
 Jones, Constance  
 Wiggins, Celestine

Cloutier, John  
 Leone, Richard

Donovan, Thomas Jr  
 Phinizy, James

and the report was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Hunt moved that the House reconsider its action whereby it voted Inexpedient to Legislate on **SB 459**, relative to underinsured motorists and spoke against. On a division vote 168 members having voted in the affirmative and 152 in the negative, reconsideration prevailed.

**MOTION TO LAY ON THE TABLE**

Rep. Hunt moved that **SB 459**, relative to underinsured motorists be laid on the table.  
 Rep. Hunt requested a roll call; sufficiently seconded.

**YEAS 153 NAYS 171****YEAS 153****BELKNAP**

Bartlett, Gordon  
 Pilliod, James  
 Wendelboe, Francine

Boyce, Robert  
 Rosen, Ralph

Holbrook, Robert  
 Thomas, John

Lawton, David  
 Turner, Robert

**CARROLL**

Bradley, Jeb  
 Kenney, Joseph

Chandler, Gene  
 Patten, Betsey

Dickinson, Howard  
 Sullivan, P Judith

Howard, Godfrey

**CHESHIRE**

Avery, Stephen  
 Rose, William

Hunt, John  
 Royce, H Charles

Manning, Joseph

Roberts, William

**COOS**

Davis, Perley  
 Merrill, Gerald

Gallus, John  
 Tholl, John Jr

Guay, Lawrence  
 Woodward, David

Horton, Lynn

**GRAFTON**

Akins, Ralph  
 Gilman, G Michael  
 Mirski, Paul

Alger, John  
 Harmon, Hobart  
 Phinney, William

Brothers, Richard  
 Hinman, Harry  
 Scanlan, David

Eaton, Stephanie  
 Marshall, Gene  
 Ward, Brien



**HILLSBOROUGH**

Alukonis, David	Batula, Peter	Bergeron, Lucien	Brundige, Robert
Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Franks, Suzan
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Keye, Harvey
Kurk, Neal	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Reeves, Sandra	Sargent, Maxwell
Turgeon, Roland	Wall, Nancy	White, Donald	

**MERRIMACK**

Anderson, Eric	Crosby, Toni	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	French, Barbara	Hager, Elizabeth	Hess, David
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Poulin, Dave	St Cyr, Gerard
Whalley, Michael			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Case, Margaret	Christie, Andrew Jr	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony	Fesh, Robert
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Henderson, Warren	Hutchinson, Karen	Katsakiores, George
Langley, Jane	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Moore, Benjamin	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	Rubin, George	Stickney, Nancy	Stone, Joseph
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth		

**STRAFFORD**

Brown, George	Callaghan, Frank	Dunlap, Patricia	Gilmore, Gary
Lundborn, Raymond	McKinley, Robert	Spear, Barbara	Taylor, Kathleen
Tsiros, William	Woods, Phyllis		

**SULLIVAN**

None

**NAYS 171****BELKNAP**

Boriso, Thomas	Czech, Stanley	Johnson, James	Millham, Alida
Rice, Thomas	Russell, David	Wood, Jane	

**CARROLL**

Babson, David Jr	Lyman, L Randy	Mock, Henry	Philbrick, Donald
Torressen, Gary			

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Richardson, Barbara	Robertson, Timothy
Zerba, Roger			

**COOS**

Landers, Dana	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	Hall, David	Ham, Bonnie	Johnson, Gary
Nordgren, Sharon	Weber, Phil		

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Beaupre, Roland	Belvin, William	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Clemons, Jane
Cote, David	Craig, James	Curran, James	Dwyer, Paul Sr
Fenton, James	Foster, Linda	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Herman, Richard	Jean, Claudette	Konys, Christine
L'Heureux, Robert	LaPorte, George	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lynde, Harold	Martel, Andre	McCarthy, William
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Moran, Edward	Moriarty, Mary
Murphy, Robert	O'Connell, Timothy	Reidy, Frank	Rowe, Robert
Simon, Anthony	Thulander, O Alan	Vaillancourt, Steve	White, John
Williams, Carol			

**MERRIMACK**

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
Fraser, Marilyn	Gile, Mary	Kennedy, Richard	Marshall, Kenneth
Owen, Derek	Potter, Frances	Rodd, Beth	Rosenfield, Jay
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Clark, Vivian	Downing, Michael
Flanders, David	Gibbons, Paul	Grant, Kenneth	Hamel, Albert
Hutchinson, Rebecca	Johnson, Robert	Kelley, William	Kobel, Rudolph
Mikowski, Walter	Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Stritch, C Donald	Weatherspoon, Jackie
Zolla, William			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Cossette, Larry	Domingo, Baldwin	Estabrook, Iris	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Knowles, William
Musler, George	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Torr, Franklin
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Phinized, James
Tuthill, John	Wiggins, Celestine	Young, David	

and the motion failed.

The question now being the adoption of the report, Inexpedient to Legislate.

Reps. Vachon and Burling spoke against.

Rep. Keith Herman spoke in favor.

Rep. Hunt spoke in favor and yielded to questions.

**MOTION TO SPECIAL ORDER**

Rep. Chandler moved that **SB 459**, relative to underinsured motorists, be made a Special Order for the end of the day's calendar.

Rep. Burling spoke in favor.

On a division vote, 250 members having voted in the affirmative and 76 in the negative, the motion was adopted.

**REGULAR CALENDAR (CONT'D.)**

**SB 469**, relative to mutual insurance holding companies. **OUGHT TO PASS**

Rep. Griffin T. Dalianis for Commerce: This bill authorizes mutual insurance companies in New Hampshire to convert to stock ownership and establish a holding company. The bill requires an affirmative vote of policyholders and approval of the Insurance Commissioner following a public hearing. This is important legislation for the handful of mutual insurance companies incorporated in New Hampshire. This bill creates opportunities for those companies to raise capital to become stronger. Under the provisions of the Gramm, Leach, Bliley Act, states are encouraged to pass this legislation; if a state does not have such a law, its domestic mutual insurance companies can leave the state, preempting state laws to the contrary. Half the states have already enacted this legislation, most recently the State of Maine. The Committee believes this legislation will encourage existing insurers to stay in New Hampshire and may make our state more attractive to other insurers. The Insurance Department participated in the drafting of this bill and strongly supports it. Vote 13-3. Adopted and ordered to third reading.

Without objection, the Speaker called for consideration of Senate Bill 401.

**SB 401-FN-A-L**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. David J. Alukonis for Finance: Senate Bill 401 is landmark legislation which establishes the Land and Community Heritage Investment Program (LCHIP). The Finance Committee concurs with the overwhelming House vote previously taken on this bill in now unanimously recommending this proposal as ought to pass with amendment. The most important component of the committee amendment regards the initial appropriation for the program. Rather than being funded with a bonded appropriation, the amendment calls for an appropriation of \$3,000,000 from the New Hampshire Economic Development Fund. This money has recently been realized and received from a significant return on investments made by the fund over the past nine years. The state's general fund was the original source of the funds which were so wisely invested in venture capital funds which had invested in New Hampshire. The \$3,000,000 will be transferred to the fund upon passage, but will not be available for distribution until April 1, 2001. This delay will allow the LCHIP Authority to organize itself and to accept private and federal funds. In addition, and most importantly, this time lag will allow our local communities to go through an annual town meeting and budget cycle prior to the actual distribution of funds. This puts all potential applicants (cities, towns, and non profits) on equal footing with the equal opportunity to be "at the door when the store opens." The administrative funding remains as previously passed by the House with the exception that the authority may draw no more than \$200,000 annually from the conservation plate fee fund for the purposes of administration of the authority. The committee amendment also requires that the \$3,000,000 appropriation "and any interest thereon, shall not be for administrative purposes." The amendment also requires that any interest earned on the fund accrue to the fund and not to the general fund. Numerous technical and minor changes were also made to the bill in order to clarify the legislation and to accurately reflect the intent of this noteworthy legislation. These changes were made in consultation with the sponsors of the bill as well as with its champions and supporters. The Finance Committee amendment also adds a "recapture clause" which requires that any LCHIP funds invested in a property be returned to the LCHIP Fund upon the sale or transfer of any interest in such property to an otherwise not eligible applicant. Vote 24-0.

**Amendment (4497h)**

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Land and Community Heritage Investment Program. Amend RSA by inserting after chapter 227-L the following new chapter:

## CHAPTER 227-M

## LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM

227-M:1 Purpose. The general court finds that in order to maintain New Hampshire's quality of life and economic vitality for its citizens, growth and development should be balanced with careful protection of the state's most important natural, cultural, and historical resources. Permanent protection of these resources, through acquisition of lands, buildings, and other physical assets, or interests in these assets, must be accomplished along with their planned long-term stewardship. The general court further recognizes the importance of public-private partnerships to achieve these ends. To protect and preserve New Hampshire's natural, cultural, and historical resources for this and future generations, the general court establishes in this chapter the New Hampshire land and community heritage investment program. The intent of the program is to conserve and preserve this state's most important natural, cultural, and historical resources through the acquisition of lands, and cultural and historical resources, or interests therein, of local, regional, and statewide significance, in partnership with the state's municipalities and the private sector, for the primary purposes of protecting and ensuring the perpetual contribution of these resources to the state's economy, environment, and overall quality of life.

227-M:2 Definitions. In this chapter:

I. "Authority" means the New Hampshire land and community heritage investment authority.

II. "Board" means the board of directors of the New Hampshire land and community heritage investment authority.

III. "Building" means a construction made by humans and created to shelter human activity.

IV. "Easement interests" means conservation, historic preservation, or scenic easements, development rights, or any other similar protective interest in real property held in perpetuity.

V. "Eligible resource" means a natural, cultural, or historical resource including archaeological sites; historic buildings and structures which house cultural events and programs; historic properties including buildings and structures; historic and cultural lands and features; ecologically significant lands; existing and potential public water supply lands; farmland; forestland; habitat for rare species or important wildlife; lands for recreation; riverine, lake, estuarine, and ocean shorelands; scenic areas and viewsheds; and wetlands and associated uplands.

VI. "Monitoring" means the regular and systematic gathering of information about a resource asset to identify changes to the property over time to ensure that it is being used in accordance with any easement interest restrictions or other legal obligations entered into under this chapter.

VII. "Resource asset" means the lands, buildings, structures, and other physical assets or the easement interests in the lands, buildings, structures, and other physical assets that comprise the real property of an eligible resource.

VIII. "Stewardship" means planning for and taking the necessary actions over the long term to successfully preserve and protect the natural, cultural, or historical value of a resource asset. Such actions include, as applicable, managing the resource asset in accordance with all legal obligations entered into under this chapter, performing regular maintenance and upkeep, providing for necessary monitoring, educating or informing those that might negatively impact upon the resource asset about the need and/or legal obligation to protect and preserve it, paying tax or in-lieu-of tax obligations, obtaining liability insurance, and securing sufficient levels of financial resources to carry out all such necessary actions.

227-M:3 Land and Community Heritage Investment Program Established. There is hereby established the New Hampshire land and community heritage investment program. The program shall acquire resource assets, through voluntary negotiations with property owners and utilization of all available federal, state, local, private, and other matching funds and incentives. The program shall also provide funding for restoration and rehabilitation of cultural and historical resources and for certain costs associated with the acquisition of resource assets. All deeds or other documents evidencing purchase of any fee interest or other easement interest in resources under this chapter shall be drawn and held in the name of the municipality, other political subdivision, or qualified publicly-supported nonprofit corporation purchasing the interest through the use of program funds. All easement interests and legal obligations that are attached in perpetuity to any property shall be recorded in the deed. The state of New Hampshire shall hold an executory interest in all easement interests acquired by the program and held by municipalities, other political subdivisions, or qualifying nonprofit corporations. There shall be no power by the state of New Hampshire to take any



resource by eminent domain, nor shall any funds made available by this program be used to take by eminent domain except in cases involving the voluntary quieting of title. All acquisition projects shall involve a willing seller and willing buyer, or a willing donor of resource assets.

227-M:4 New Hampshire Land and Community Heritage Authority Established; Board of Directors.

I. There is hereby established the New Hampshire land and community heritage investment authority, a body corporate and politic. The authority is constituted a public instrumentality of the state. The exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions. The authority shall be a nonprofit corporation organized under RSA 292.

II. The authority shall be governed by a board of directors composed of 18 members. Voting members shall not appoint designees to act in their places. The chairperson shall be elected from among the public members. Board membership shall be as follows:

- (a) Two members of the senate, to be appointed by the senate president.
- (b) Two members of the house of representatives, to be appointed by the speaker of the house.
- (c) Eight public members, to be appointed by the governor and council:
  - (1) Two of whom shall represent cultural and historic resource interests;
  - (2) One of whom shall represent natural resources interests;
  - (3) One of whom shall represent outdoor recreation interests;
  - (4) One of whom shall represent business or real estate interests;
  - (5) One of whom shall represent municipal interests;
  - (6) One of whom shall represent local planning interests; and
  - (7) One of whom shall represent regional planning commissions.
- (d) The director of the office of state planning, or designee.
- (e) The commissioner of the department of cultural resources, or designee.
- (f) The commissioner of the department of resources and economic development, or designee.
- (g) The commissioner of the department of environmental services, or designee.
- (h) The commissioner of the department of agriculture, markets, and food, or designee.
- (i) The executive director of the department of fish and game, or designee.

III. Members appointed under subparagraphs II(d) through II(i) shall be advisory, non-voting members.

IV.(a) The terms of the state agency members and the members of the senate and the house of representatives shall be coterminous with their respective terms in office. Members appointed by the governor and council under subparagraph II(c) shall serve a 4-year term, and may serve no more than 10 successive years.

(b) Members appointed by the governor and council may be removed from office for cause, by the governor and council. Cause for removal shall include, but not be limited to, incapacity or failure to perform the duties of a member of the board of directors. Vacancies shall be filled for the unexpired term of the office in the same manner as the original appointment. Legislative members shall be entitled to mileage reimbursement at the legislative rate.

V. Seven voting members shall constitute a quorum. Decisions shall be made by a majority of those present and voting. Each member appointed under subparagraphs II(a) through (c) shall have one vote on matters coming before the board. The board shall meet quarterly and at such other times as may be deemed necessary by the chairperson.

VI. Board members shall not be subject to civil liability for acts performed in accordance with their duties under this chapter.

227-M:5 Powers and Duties of the Authority. The authority shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter and shall:

I. Adopt bylaws for the regulation of its affairs and the conduct of its business.

II. Adopt criteria and guidelines for:

- (a) The acquisition of resource assets;
- (b) The restoration or rehabilitation of cultural and historical buildings or structures; and
- (c) The stewardship and monitoring of resource assets on which program funds are expended.

III. Adopt definitions deemed important or necessary to carry out the purposes of this chapter.

IV. Oversee and direct the expenditure of funds deposited in the trust fund of the New Hampshire land and community heritage investment program in accordance with the purposes of this chapter. This includes, but is not limited to, the authority to draw upon funds for acquisition of resource assets, or related program purposes, and for the administrative costs of the program.

V. Make and execute contracts for services necessary to carry out the purposes of this chapter or necessary and convenient for the exercise of its powers and functions.

VI. Temporarily acquire real property or interests in real property, only when such acquisition is necessary or appropriate to protect or secure any investment in which the authority has an interest.

VII. Prepare an annual report to be presented no later than December 1 of each year to the president of the senate, the speaker of the house, and the governor and council, and filed with the state library. The report shall detail the activities of the program during the past year including a listing of all resource assets acquired and restoration and rehabilitation projects undertaken, along with the associated expenditures. All administrative costs shall be provided, as well as a complete financial accounting of the trust fund established under RSA 227-M:7. The report shall also include a historical summary of the program's activities to date. A copy of the report shall be made available to any interested person. The authority shall cause an audit by an independent certified public accountant of its books and accounts to be made each fiscal year.

VIII. In addition, the authority may:

(a) Adopt an official seal.

(b) Maintain an office and hire staff.

(c) Apply for and accept from any source gifts and donations of: money, including money from appropriate fundraising activities; labor, equipment, and supplies; land and other real property; interests in land and other real property; federal, local, private, and other matching funds and incentives; and other assets to be deposited in the fund for the purposes of this chapter and to aid the authority in the conduct of its affairs.

227-M:6 Executive Director. The board of directors shall nominate one or more persons for appointment by the governor and council to serve as executive director. The executive director shall serve a term of 5 years, with reappointment or a vacancy to be filled in the same manner as the original appointment. At the request of the board, the governor and council may remove the executive director for cause. The executive director shall:

I. Coordinate the activities of state agencies directly involved with the administration of the program in accordance with this chapter.

II. Evaluate the eligible resources proposed for protection or restoration under this program, and determine if these resources meet the criteria of the program, subsequent to instruction by the board.

III. At the direction of the board, administer the affairs of the program and be directly responsible for executing all policies of the board.

227-M:7 Trust Fund Established; Administration.

I. There is established in the office of the state treasurer the trust fund for the New Hampshire land and community heritage investment program. Moneys in the fund and any interest earned on the fund shall be used for the purpose of this chapter and shall not be used for any other purpose. The trust fund shall be non-lapsing.

II. The state treasurer is instructed to invest the sums deposited in the fund in a prudent manner consistent with the purposes of this chapter. Interest earned on moneys in the fund shall accrue to the fund to the extent allowed under federal law.

III. No funds of any state agency shall be transferred to the trust fund without specific authorization from the general court. Federal funds accepted by the fiscal committee and governor and council for purposes similar to those of this chapter may be deposited in the trust fund.

227-M:8 Program Administration; Eligible Applicants; Matching Funds.

I. The authority shall distribute funds to further the purposes of this chapter only to eligible applicants. Eligible applicants shall include:

(a) Municipalities or other political subdivisions of the state; and

(b) Publicly-supported nonprofit corporations exempt from federal income taxation under section 501(c) of the Internal Revenue Code.

II. Other parties wishing to participate in the program may partner with one or more eligible applicants. The applicant must demonstrate the commitment of the owner of the assets to participate in the proposed action.

III. Financial assistance to eligible applicants shall be provided through grants and block grants (grants to another organization for re-granting). Financial assistance may only be expended on eligible resources for the following purposes:

(a) Acquisition of real property in fee simple.

(b) Acquisition of easement interests in real property.

(c) Restoration or rehabilitation of buildings or structures which are publicly-owned, or which are owned by a qualified publicly-supported nonprofit corporation.

(d) Surveys, appraisals, title work, and other legal or ancillary work necessary to carry out acquisitions.

(e) Resource inventories and planning.

(f) Other professional services.

IV. The authority shall not fund more than 50 percent of the appraised market value of any resource asset acquisition or more than 50 percent of any other expense eligible for financial assistance under RSA 227-M:8, III(c)-(f).

V. All eligible applicants are required to provide a level of matching resources that is no less than 50 percent of the appraised market value for any resource asset acquisition and that is no less than 50 percent of any other expense for which financial assistance is sought under RSA 227-M:8, III(c)-(f). A minimum of one half of the applicant's minimum match requirement must be provided in cash to be used in the purchase or preservation of the resource asset. Nothing shall prevent the eligible applicant from using all cash to fulfill the match requirements of the program. The balance, if any, of the non-cash match requirement may be met through any combination of:

(a) In-kind services;

(b) The appraised market value of donated real property or interest in real property, provided such real property is located in the municipality or municipalities in which the applicant property is located;

(c) Expenses specified under RSA 227-M:8, III(c)-(f), incurred or to be incurred; or

(d) A one-time investment in a stewardship endowment fund established by the applicant for the resource asset.

VI. Qualifying matching funds from the applicant may include, but are not limited to, municipal appropriations, private donations, federal funds, and monies from a conservation fund established under RSA 36-A:5.

VII. Matching beyond the minimum shall be encouraged of all applicants. The board is authorized, for a particular project, to either reduce the applicant's minimum match requirements under paragraph V or exceed the amount of financial assistance allowed under paragraph IV, but only by an affirmative vote of 9 voting members.

227-M:9 Acquisition, Restoration, and Protection Criteria and Guidelines.

I. The criteria and guidelines adopted pursuant to RSA 227-M:5, II for acquiring resource assets shall include, but shall not be limited to, the following:

(a) Imminence of threat to the land or property, such that the preservation of endangered structures and land conservation projects in densely developed or rapidly developing areas of the state shall receive a higher ranking;

(b) Uniqueness or significance of the resource;

(c) Proximity to other protected resources;

(d) Extent to which project meets multiple objectives of the program (natural, historic, and cultural);

(e) Strength of local support, such that project applications accompanied by an affirmative vote of the governing body of the municipality or governing bodies of the municipalities in which the project is located shall receive a higher ranking;

(f) Strength of private support;

(g) Cooperation between or among communities;

(h) Extent of leverage (ability of state funds to attract other public and private funds in a cost-share arrangement);

(i) Demonstrated ability and qualifying stewardship plan of eligible applicant to provide stewardship for the resource being protected; and

(j) Extent to which benefits can be conserved only through fee acquisition of the resource asset, weighed against acquisition through easement interest.

II. Nothing in this section shall be construed to require that each acquisition of a resource asset under this chapter must meet all the criteria listed in this section.

227-M:10 Management. Any owner of a resource asset acquired in fee simple under this chapter or for which program funds have been expended for restoration or rehabilitation work, shall man-



age such asset in accordance with any stewardship plan approved for the asset and any legal obligations entered into under this chapter pertaining to the resource asset. The program shall not manage any resource asset, except to the extent permissible under RSA 227-M:5, VI.

227-M:11 Stewardship. All applications submitted for funding resource asset acquisitions or restoration or rehabilitation projects must contain a stewardship plan. Applicants shall be allowed flexibility in devising such plans, but the authority shall make an affirmative finding that the stewardship plan is acceptable before awarding funds. Applications to the program for activities such as resource inventories and engineering studies are not required to include stewardship plans.

227-M:12 Monitoring Endowment.

I. For every eligible resource protected under this chapter by an easement interest, a percentage of funds from the program or contributions from the applicant, as specified by the authority, shall be provided to the monitoring endowment established under RSA 162-C:8.

II. Funds added to the monitoring endowment pursuant to RSA 227-M:12, I shall be used to support monitoring by state agencies, local municipalities, and qualifying nonprofit corporations of easement interests acquired under this chapter. Such monitoring shall be to ensure that the resource protected through the program will be managed according to the legal agreements concerning easement interests in the resource.

227-M:13 Road Expansion.

I. Notwithstanding any other provisions of this chapter, the New Hampshire land and community heritage authority shall recognize that the interest and public safety and welfare may, from time to time, require minor expansion, minor modification, or minor alteration of existing roads within the state highway system. After review and approval by the authority, and notwithstanding RSA 227-M:14, the department of transportation may obtain interests in lands acquired by the authority under this chapter adjacent to state highways. Permissible expansion, modifications, or alterations under this section shall include drainage easements, slope easements, lane widening, the addition of a passing, climbing, or turning lane, or similar adjustments, but shall not include construction of a new highway or portion thereof, construction of a bypass for an existing highway, or similar major alterations. Approval shall not be granted if reasonable and prudent alternatives exist nor if individual or cumulative approvals are likely to materially impair the conservation or preservation purposes for which the parcel was originally protected. Projects determined by the authority to be outside of the scope permitted by this chapter shall require approval from the general court.

II. The department of transportation shall submit a written request to the authority with plans and supporting documentation to demonstrate compliance with the provisions of this chapter. The authority shall hold a public hearing within 90 days of receipt of a complete request to release land and community heritage investment program interests. The authority shall provide at least 10 calendar days notice in advance of such hearing. Notification shall be made, at the expense of the department, to the landowner, local governing body and conservation commission, abutters, the Society for the Protection of New Hampshire Forests, the Nature Conservancy, the Audubon Society of New Hampshire, the New Hampshire Wildlife Federation, the New Hampshire Preservation Alliance, the local historic district commission or the local heritage commission, or both, and the county conservation district, or their successors. Notification of the public hearing shall be published, by the department, in a paper of general circulation in the municipality and shall be posted, by the department, in at least 2 public places. At the hearing or within 15 days after the hearing, a majority of the authority's voting members shall vote to approve or deny the application, unless a time extension is requested by the department. Aggrieved parties, which include all parties who must be notified under this paragraph, may appeal the authority's decision to the superior court in the same manner as planning board decisions are appealed under RSA 677:15.

III. Compensation for any interest in land obtained by the department of transportation under this section shall be at the appraised full fair market value of those property interests at the time of the department's acquisition. Alternative forms of compensation such as replacement land with comparable conservation value, or a combination of monetary compensation and replacement land may be considered in appropriate circumstances, provided all parties owning an interest in the property agree to such terms.

IV. Compensation due to municipalities and nonprofit organizations shall be dedicated to the acquisition, managing, or monitoring of protected lands consistent with the purposes of this chapter. Compensation due landowners shall be as specified in the deed or as otherwise negotiated. Any



party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

227-M:14 Public Trust. Resource assets acquired under this chapter through the use of the trust fund for the program shall be held in public trust and used and applied for the purposes of this chapter. Notwithstanding any other provision of law relating to the disposal of publicly-owned real estate, no deviation in the uses of any resource asset so acquired to uses or purposes not consistent with the purposes of this chapter shall be permitted. The sale, transfer, conveyance, or release of any resource asset from public trust is prohibited, except as provided in RSA 227-M:13.

227-M:15 Public Access; Liability. Lands and interests in lands purchased with funds from this program by any eligible applicant shall be open in perpetuity for passive recreational purposes. Language to be used in easement interests secured through the program shall approximate the intent of the following:

I. There is hereby conveyed pedestrian access to, on, and across the property for hunting, fishing, and transitory passive recreational purposes, but not camping, by members of the public. A grantor may reserve the right to post against vehicles, motorized or otherwise and against hunting on active livestock fields, against access to agricultural cropland during planting and growing season, and against access to forest land during harvesting or establishment of plantations.

II. The authority shall have the discretion to limit or prohibit passive recreational use on a case-by-case basis, where this activity would be inconsistent with the purpose for protecting the property and/or when public safety would be at risk. Additionally, the authority may stipulate, as a condition of funding, on a case-by-case basis where appropriate, that certain lands or interests in lands be available for motorized recreational uses.

III. No person, or successor in title, who has granted or sold rights of public access by virtue of an easement, right-of-way, development right, or other means in accordance with the purposes of this chapter shall be liable to a user of that right of access for injuries suffered on that portion of the access unless those injuries are caused by the willful or wanton misconduct of the grantor or successor in title.

227-M:16 Recapture. If property is sold, by a seller who has received funds under this program regarding such property, to a non-eligible applicant, the program trust fund's cash investment in the property shall be returned to the program trust fund by the property seller. This section shall not apply to a sale between eligible applicants.

227-M:17 Receipt of Grant Recorded in Registry of Deeds. Receipt of a grant award under this program and conditions of such award shall be recorded in the registry of deeds for the county in which the property is located.

2 Land Conservation Investment Program; Management. Amend RSA 162-C:6, VII to read as follows:

VII. Compensation due to the state under this section shall be ~~maintained in a separate, non-lapsing land acquisition fund to be managed by the state treasurer. The council, as successors to the land conservation investment program board of directors, shall develop rules pursuant to RSA 541-A, whereby agencies and/or municipalities, shall have access to these funds from time to time as resources permit. Such funds must be used for the acquisition of land, or interests in land, consistent with the purposes of this chapter~~ *deposited in the trust fund of the New Hampshire land and community heritage investment program established under RSA 227-M and used for the purposes of that program.* Compensation due to municipalities shall be dedicated to the acquisition or monitoring of protected lands consistent with the purposes of this chapter. Compensation due to landowners of conservation easement lands shall be as specified in the conservation easement, deed, or as otherwise negotiated. Any party aggrieved by the amount of compensation may file a petition with the superior court in the same manner as damage appeals are filed from the board of tax and land appeals under RSA 498-A:27.

3 Land Conservation Investment Program; Office of State Planning; Powers and Duties. Amend RSA 162-C:7 to read as follows:

162-C:7 Powers and Duties. The council shall oversee, direct, and expend funds in the monitoring endowment of the former New Hampshire land conservation investment program in accordance with the purposes of this subdivision *and RSA 227-M:12.* This includes, but is not limited to, the authority to draw upon funds for the administrative costs of the endowment.

4 Land Conservation Investment Program; Monitoring Endowment. Amend RSA 162-C:8, I-III to read as follows:

I. The monitoring endowment established by the board of directors pursuant to former RSA 221-A:5, III shall be maintained in perpetuity and shall be utilized by the council only for the purposes of monitoring and enforcing the property rights of persons with ownership interests in property acquired through the former land conservation investment program *and for the purposes of RSA 227-M:12*.

II. The principal of the endowment shall be managed by the state treasurer for the sole purpose of providing interest earnings for the purposes set forth in this subdivision *and RSA 227-M:12*, and expenditures from the endowment for those purposes shall be limited to the interest earned thereon.

III. Any interest earned on the endowment principal which is not used for the purposes set forth in this subdivision *and RSA 227-M:12* within the fiscal year in which it is earned shall be added to the principal amount. The state treasurer is authorized to accept gifts, donations, and grants, including federal gifts, donations, and grants, for the purposes set forth in this chapter, and such gifts, donations and grants shall be added to the principal amount.

5 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plates; Fee. Amend RSA 261:97-a, I to read as follows:

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA 261:97-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only upon application and upon payment of a ~~[\$25]~~ \$30 fee that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required.

6 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plates; Fee. Amend RSA 261:97-a, III to read as follows:

III. Plates shall be renewed on an annual basis for ~~[\$25]~~ \$30 per set. Of this sum, the department shall retain an amount as is necessary to recover production and administrative costs as approved by the fiscal committee of the general court. The remaining funds shall be paid to the state treasurer and distributed as provided in RSA 261:97-b. The cost of replacement number plates shall be identical to the cost of initial number plates and the revenue from replacement number plates shall be distributed in the same manner as revenue derived from initial number plates.

7 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plate Trust Fund; Distribution of Funds. Amend RSA 261:97-b, I to read as follows:

I. There is hereby established a conservation number plate trust fund under the administration of the state treasurer. The fund shall be used for the promotion, protection, and investment in the state's natural, cultural, and historic resources. The fund shall be nonlapsing. The state treasurer shall distribute the funds annually on July 1, *except as provided in paragraph I-a*, as follows: \$5,000 of every \$100,000 received, up to a total of \$50,000, shall be distributed to the department of transportation for the expanded wild flower establishment program for use in planting native wild flowers; the remainder shall be distributed equally among the department of cultural resources, the department of fish and game, the department of resources and economic development, ~~and~~ the state conservation committee, *and the New Hampshire land and community heritage investment authority*.

*I-a. The state treasurer shall distribute the share of funds due the New Hampshire land and community heritage investment authority, pursuant to RSA 261:97-b, I, on the first day of each month. The total amount shall not exceed \$200,000 per fiscal year.*

8 Motor Vehicles; Certificates of Title and Registration; Conservation Number Plate Trust Fund; Use of Funds. Amend RSA 261:97-c, V-VI to read as follows:

*V. The funds transferred to the New Hampshire land and community heritage investment authority shall be used for the administration of the New Hampshire land and community heritage investment program.*

~~[V]~~ VI. The funds transferred to the department of transportation shall be used for the expanded wildflower establishment program to be used in maintenance districts.

~~[VI]~~ VII. Any funds transferred from the conservation number plate trust fund which remain unexpended at the end of the fiscal year shall be non-lapsing.

9 Initial Appointees. The terms of the initial appointees by the governor and council to the New Hampshire land and community heritage investment authority under RSA 227-M:4, II(c) shall be staggered as follows:

I. The member representing regional planning commissions and the member representing business or real estate interests shall serve a one-year term.

II. The member representing municipal interests and the member representing local planning interests shall serve a 2-year term.

III. The member representing outdoor recreation interests and the member representing natural resources interests shall serve a 3-year term.

IV. The members representing cultural and historic resource interests shall each serve a 4-year term.

10 Transfer. The sum of \$3,000,000 from the New Hampshire economic development fund established under RSA 12-A:2-e, I shall be transferred to the trust fund established under RSA 227-M:7, I upon passage of this act, but shall not be available for distribution until April 1, 2001. This sum, and any interest earned thereon, shall not be used for administrative purposes.

11 Appropriation; Administrative Costs. The sum of \$50,000 is appropriated to the New Hampshire land and community heritage authority established in section 1 of this act, for the purpose of funding administrative costs of the authority for the biennium ending June 30, 2001. The source of funds for the \$50,000 shall be as follows:

I. Notwithstanding the purpose of RSA 227-G:5, \$40,000 from the forest management and protection fund, established in RSA 227-G:5.

II. \$5,000 from PAU 02, 03, 01, class 20, department of agriculture, markets, and food funds for the fiscal year 2000.

III. \$5,000 from PAU 02, 03, 05, 01, class 24, department of agriculture, markets, and food funds for fiscal year 2000.

12 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire land and community heritage investment program.

II. Establishes the New Hampshire land and community heritage investment authority, and establishes its powers, duties, and authority.

III. Establishes membership on the authority's board of directors.

IV. Establishes criteria for acquisition of lands and other natural, cultural, and historical resources.

V. Increases the fee charged for the issuance of special conservation number plates from \$25 to \$30.

VI. Provides that a portion of funds received in the conservation numbers plate trust fund shall be distributed monthly to the New Hampshire land and community heritage investment authority for the purpose of administering the New Hampshire land and community heritage investment program.

VII. Provides a \$50,000 appropriation for the purpose of administering the program for the biennium ending June 30, 2001, with such funds being transferred from the forest management and protection fund and the department of agriculture, markets, and food.

VIII. Provides for a transfer of \$3,000,000 to the program from the New Hampshire economic development fund.

IX. Transfers responsibility for the administration of the land conservation investment program and monitoring endowment under RSA 162-C to the office of state planning.

Adopted.

Reps. Kennedy and Fuller Clark spoke in favor.

Rep. Fuller Clark requested a roll call; sufficiently seconded.

The question being the adoption of the report.

### YEAS 326 NAYS 9

#### YEAS 326

#### BELKNAP

Bartlett, Gordon  
Lawton, David  
Rosen, Ralph  
Wood, Jane

Boriso, Thomas  
Milham, Alida  
Russell, David

Czech, Stanley  
Pilliod, James  
Thomas, John

Holbrook, Robert  
Rice, Thomas  
Wendelboe, Francine



**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Rose, William

Batchelder, Robert  
Hunt, John  
McGuirk, Paul  
Richardson, Barbara  
Royce, H Charles

Blaisdell, Michael  
Lynch, Margaret  
Meader, David  
Roberts, William  
Zerba, Roger

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

**COOS**

Davis, Perley  
Landers, Dana  
Rodrigue, Robert

Gallus, John  
Mears, Edgar  
Tholl, John Jr

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cobb, John  
Gilman, G Michael  
Hinman, Harry  
Phinney, William  
Weber, Phil

Alger, John  
Copenhaver, Marion  
Guest, Robert  
Johnson, Gary  
Scanlan, David

Almy, Susan  
Densmore, Jessica  
Ham, Bonnie  
Marshall, Gene  
Solow, Martha

Brothers, Richard  
Eaton, Stephanie  
Harmon, Hobart  
Nordgren, Sharon  
Ward, Brien

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Belvin, William  
Bruno, Pierre  
Carlson, Donald  
Cote, David  
Curran, James  
Dawe, Eileen  
Durham, Susan  
Fields, Dennis  
Garrish, Linda  
Goulet, Maurice  
Hansen, Herbert  
Hunter, Bruce  
Keye, Harvey  
LaPorte, George  
Leishman, Peter  
Lynde, Harold  
McCarty, Winston  
McRae, Karen  
Messier, Irene  
Mosher, William  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony  
White, Donald

Alukonis, David  
Baroody, Benjamin  
Bergeron, Lucien  
Buckley, Raymond  
Christiansen, Lars  
Cote, Peter  
Daigle, Robert  
Desmarais, Vivian  
Dwyer, Paul Sr  
Flora, Kathleen  
Ginsburg, Ruth  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Claudette  
Konys, Christine  
LaRose, Richard  
Leonard, Peter  
MacGillivray, Jeffrey  
McColgan, Philip Jr  
Melcher, Harold  
Milligan, Robert  
Murphy, Robert  
Pappas, Marc  
Reidy, Frank  
Thulander, O Alan  
White, John

Andrews, Frederick  
Batula, Peter  
Bergin, Peter  
Burkush, James  
Clegg, Robert Jr  
Coughlin, Pamela  
Dalianis, Griffin  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Goley, Jeffrey  
Haley, Robert  
Herman, Richard  
Jean, Loren  
Kurk, Neal  
Lasky, Bette  
Lessard, Rudy  
Martel, Andre  
McDonough-Wallace, Alice  
Mendenhall, Leslie  
Moran, Edward  
Nolan-Piteri, Dawn  
Pepino, Leo  
Rowe, Robert  
Turgeon, Roland  
Williams, Carol

Arnold, Thomas Jr  
Beaupre, Roland  
Brundige, Robert  
Calawa, Leon Jr  
Clemons, Jane  
Craig, James  
Daniels, Gary  
Drabinowicz, A Theresa  
Fenton, James  
Franks, Suzan  
Gorman, Mary  
Hall, Betty  
Holley, Sylvia  
Johnson, Lionel  
L'Heureux, Robert  
Lefebvre, Roland  
Lozeau, Donnalee  
McCarthy, William  
McGough, Tim  
Mercer, Robert  
Moriarty, Mary  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet

Bouchard, Candace  
Daneault, Gabriel  
Fraser, Marilyn

Brewster, Richard  
Davis, Francis  
French, Barbara

Chase, George  
Feuerstein, Martin  
Gile, Mary



Hager, Elizabeth  
Larrabee, David Sr  
Marple, Richard  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean

Hess, David  
Lavoie, Gerard  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Jacobson, Alf  
Leber, William  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

Kennedy, Richard  
Lockwood, Priscilla  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Clark, Martha  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
Noyes, Richard  
Pantelakos, Laura  
Quandt, Marshall  
Sapareto, Frank  
Stone, Joseph  
Vaughn, Charles  
Zolla, William

Arndt, Janet  
Blanchard, MaryAnn  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, John Sr  
Grant, Kenneth  
Hutchinson, Karen  
Katsakiores, George  
Letourneau, Robert  
Mikowski, Walter  
O'Keefe, Patricia  
Pitts, Jacqueline  
Raynowska, Bernard  
Shelton, Richard  
Stritch, C Donald  
Weare, Everett

Beaulieu, Jon  
Case, Margaret  
Cooney, Richard  
Downing, Michael  
Francoeur, Sheila  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, William  
Lovejoy, Marian  
Moore, Benjamin  
O'Neil, Michael  
Priestley, Anne  
Rubin, George  
Shultis, Elizabeth  
Tufts, J Arthur  
Welch, David

Belanger, Ronald  
Christie, Andrew Jr  
Cox, Russell  
Fesh, Robert  
Gibbons, Paul  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Packard, Sherman  
Putnam, Ed II  
Sabella, Norma  
Stickney, Nancy  
Varrell, Thomas  
Weyler, Kenneth

### STRAFFORD

Berube, Roger  
Brown, Julie  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

Bickford, David  
Callaghan, Frank  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Rogers, Rose Marie  
Spang, Judith  
Tsiros, William  
Wall, Janet

Brennan, William  
Cossette, Larry  
Gilmore, Gary  
Kaen, Naida  
McKinley, Robert  
Rollo, Michael  
Spear, Barbara  
Twardus, Joseph  
Woods, Phyllis

Brown, George  
Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Musler, George  
Smith, Marjorie  
Taylor, Kathleen  
Vachon, Dennis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Phinizy, James

Burling, Peter  
Jones, Constance  
Tuthill, John

Cloutier, John  
Kibbey, David  
Wiggins, Celestine

Donovan, Thomas Jr  
Leone, Richard  
Young, David

### NAYS 9

### BELKNAP

Boyce, Robert

Johnson, James

Turner, Robert

### CARROLL

None

### CHESHIRE

None

### COOS

None

### GRAFTON

Hall, David

**HILLSBOROUGH**

Fletcher, Richard

Vaillancourt, Steve

**MERRIMACK**

None

**ROCKINGHAM**

Flanders, David

Nowe, Mary Lou

Nowe, Ronald

**STRAFFORD**

None

**SULLIVAN**

None

and the report was adopted.

**SUSPENSION OF RULES**

Reps. Chandler and Burling move that the Rules be so far suspended as to permit third reading and final passage at the present time of *SB 401-FN-A-L*, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. Adopted by the necessary two thirds.

**MOTION ON SB 401**

Rep. Chandler moved that *SB 401-FN-A-L*, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor, be read a third time and passed. Adopted.

**Third reading and final passage**

*SB 401-FN-A-L*, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

Rep. Mirski declared a conflict of interest and did not participate.

**SENATE MESSAGE****CONCURRENCE**

*HB 1548*, abolishing the death penalty.

**RECESS**

(Speaker Sytek in the Chair)

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENTS**

*HB 1146-L*, relative to tax increment financing. (Amendment printed SJ 5/11/00)

Rep. Hess moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

*HB 1309*, relative to wood-to-energy rate order buydowns. (Amendment printed SJ 5/11/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

*HJR 21*, calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate. (Amendment printed SJ 4/27/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

*HJR 24*, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline. (Amendment printed SJ 4/27/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests. (Amendment printed SJ 5/11/00)

Rep. Tufts moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

### REGULAR CALENDAR (CONT'D.)

**SB 419-FN**, establishing the crime of negligent storage of a firearm. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Beth Rodd for Criminal the Majority of Justice and Public Safety: The committee agreed that the original version of the bill was unnecessarily punitive towards negligent gun owners, criminalizing behaviors that could be better addressed through education. The amended version removes the incarceration penalty, a class A misdemeanor, and replaces it with a violation with a possible fine of up to 1,000 dollars. It also lowers the age of a "child" under the bill from 18 years to less than 16 years old. Youths who have passed the state hunter education course can obtain a hunting license at age 16. The added language, section V (a), is true to the original intent of the bill because it focuses primarily on education and safety to prevent harm or loss of life without interfering with the right of gun owners to constitutionally protected rights to keep and bear arms. The amended version of this bill more fairly and sensibly addresses issues associated with the negligent storage of firearms and accessibility by children, protects responsible gun owners and holds negligent owners responsible for their failure to ensure the safety of children if a child obtains access to an easily accessible firearm. Existing statutes allow for civil penalties when harm is done. Vote 11-3.

Rep. John E. Tholl, Jr. for the Minority of Criminal Justice and Public Safety: Last year, SB 163 was enacted into law. It established a commission (reducing violent incidence involving children and guns commission) to study ways to reduce violence with children and guns. This commission is made up of a broad spectrum of members from legislators, medical professionals, mental health professionals, educators, firearms manufacturers and sportsmen's clubs among others. The commission has been meeting and is not due to report until November 2000. Rather than wait for its recommendations, the prime sponsor of SB 163 filed several bills pertaining to the subject, including SB 419. The filing of these bills was premature since the commission wasn't due to file its report for at least 11 months. SB 419 will not prevent injuries or deaths, it will only punish. The minority of the Criminal Justice and Public Safety Committee feels that SB 419 should be referred for Interim Study.

### Amendment (4356h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Negligent Storage of Firearms. Amend RSA by inserting after chapter 650-B the following new chapter:

#### CHAPTER 650-C

#### NEGLIGENT STORAGE OF FIREARMS

##### 650-C:1 Negligent Storage of Firearms.

I. Nothing in this section shall be construed to reduce or limit any existing right to purchase and own firearms or ammunition, or both, or to provide authority to any state or local agency to infringe upon the privacy of any family, home or business except by lawful warrant.

II. As used in this section, "child," "juvenile" or "youth" shall mean any person under 16 years of age.

III. Any person who stores or leaves on premises under that person's control a loaded firearm, and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, is guilty of a violation if a child gains access to a firearm and:

- (a) The firearm is used in a reckless or threatening manner;
- (b) The firearm is used during the commission of any misdemeanor or felony; or
- (c) The firearm is negligently or recklessly discharged.

IV. Any person who violates paragraph III shall be fined not more than \$1,000.

V. This section shall not apply whenever any of the following occurs:

(a) The child has completed firearm safety instructions by a certified firearms safety instructor or has successfully completed a certified hunter safety course.

(b) The firearm is kept secured in a locked box, gun safe, or other secure locked space, or in a location which a reasonable person would believe to be secure, or is secured with a trigger lock or similar device that prevents the firearm from discharging.

(c) The firearm is carried on the person or within such a close proximity thereto so that the individual can readily retrieve and use the firearm as if carried on the person.

(d) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person.

(e) The person who keeps a loaded firearm on any premises which are under such person's custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.

(f) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner.

VI. A parent or guardian of a child who is injured or who dies of an accidental shooting shall be prosecuted under this section only in those instances in which the parent or guardian behaved in a grossly negligent manner.

VII. Licensees shall conspicuously post at each purchase counter the following warning in bold type not less than one inch in height: "IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE." A licensee failing to display this warning to the purchaser of a firearm shall be guilty of a violation.

2 Effective Date. This act shall take effect January 1, 2001.

Rep. McGough requested a roll call; sufficiently seconded.

The question being the adoption of the majority amendment.

## YEAS 236 NAYS 29

### YEAS 236

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Thomas, John

Boriso, Thomas  
Millham, Alida  
Turner, Robert

Boyce, Robert  
Pilliod, James  
Wendelboe, Francine

Czech, Stanley  
Rosen, Ralph

#### CARROLL

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Kenney, Joseph  
Sullivan, P Judith

#### CHESHIRE

Avery, Stephen  
Hunt, John  
Meador, David  
Roberts, William  
Zerba, Roger

Batchelder, Robert  
Lynott, Margaret  
Mitchell, McKim  
Robertson, Timothy

Blaisdell, Michael  
Manning, Joseph  
Pratt, Irene  
Rose, William

Doucette, Richard  
McGuirk, Paul  
Richardson, Barbara  
Royce, H Charles

#### COOS

Davis, Perley  
Pratt, Leighton

Horton, Lynn

Mears, Edgar

Merrill, Gerald

#### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Guest, Robert  
Johnson, Gary

Alger, John  
Densmore, Jessica  
Hall, David  
Marshall, Gene

Almy, Susan  
Eaton, Stephanie  
Ham, Bonnie  
Nordgren, Sharon

Cobb, John  
Gilman, G Michael  
Harmon, Hobart  
Scanlan, David



**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arnold, Thomas Jr	Baroody, Benjamin
Belvin, William	Bergeron, Lucien	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Drabinowicz, A Theresa	Durham, Susan	Flora, Kathleen	Ford, Nancy
Foster, Linda	Franks, Suzan	Garrish, Linda	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Hansen, Herbert	Herman, Keith
Herman, Richard	Holley, Sylvia	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	Kurk, Neal	LaPorte, George
LaRose, Richard	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moran, Edward
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Reidy, Frank	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Thulander, O Alan	Turgeon, Roland
Vaillancourt, Steve	White, Donald	White, John	Williams, Carol

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Chase, George	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fraser, Marilyn	Gile, Mary
Hess, David	Kennedy, Richard	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Whalley, Michael	Whittemore, James
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Christie, Andrew Jr	Clark, Martha
Clark, Vivian	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Fesh, Robert	Flanagan, Natalie	Flanders, John Sr
Franceour, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Major, Norman
Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Rubin, George
Sabella, Norma	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	Kaen, Naida	Knowles, William
Lundborn, Raymond	Musler, George	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Spear, Barbara	Taylor, Kathleen	Torr, Franklin
Tsiros, William	Twardus, Joseph	Vincent, Francis	Wall, Janet

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Phinizy, James	Wiggins, Celestine
Young, David			

### NAYS 29 BELKNAP

Johnson, James                      Rice, Thomas

### CARROLL

Babson, David Jr                      Mock, Henry                      Torressen, Gary

### CHESHIRE

None

### COOS

None

### GRAFTON

Brothers, Richard                      Mirski, Paul

### HILLSBOROUGH

Andrews, Frederick	Beaupre, Roland	Christiansen, Lars	Desmarais, Vivian
Fletcher, Richard	Jean, Loren	Lessard, Rudy	McCarthy, William
Reeves, Sandra	Wall, Nancy		

### MERRIMACK

Jacobson, Alf

### ROCKINGHAM

Cox, Russell	Gibbons, Paul	Grant, Kenneth	Hutchinson, Karen
Johnson, Robert	Kelley, William	Raynowska, Bernard	Stickney, Nancy
Vaughn, Charles			

### STRAFFORD

Heon, Richard                      Rollo, Michael

### SULLIVAN

None

and the majority amendment was adopted by the necessary two-thirds.  
Reps. Fields, McGough and Phyllis Woods did not vote and wished to be recorded in favor.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

The question now being the adoption of the majority report.  
Reps. Mirski, Weber, and Pepino spoke against and yielded to questions.  
Reps. Rodd and Fuller Clark spoke in favor.  
Rep. Welch spoke in favor and yielded to questions.  
Rep. McGough requested a roll call; sufficiently seconded.

### YEAS 194 NAYS 149

### YEAS 194 BELKNAP

Boriso, Thomas	Millham, Alida	Pilliod, James	Russell, David
Turner, Robert	Wood, Jane		

### CARROLL

Bradley, Jeb                      Howard, Godfrey

### CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Doucette, Richard
Hunt, John	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Zerba, Roger	

**COOS**

Davis, Perley  
Mears, Edgar

Glines, Sara  
Rodrigue, Robert

Horton, Lynn  
Woodward, David

Landers, Dana

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Solow, Martha

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Marshall, Gene

Guest, Robert  
Nordgren, Sharon

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Cote, David  
Dawe, Eileen  
Flora, Kathleen  
Garrish, Linda  
Haley, Robert  
Holley, Sylvia  
Konys, Christine  
Leishman, Peter  
McColgan, Philip Jr  
Mercer, Robert  
Mosher, William  
Reidy, Frank  
Turgeon, Roland

Arthur, Rose  
Buckley, Raymond  
Cote, Peter  
Dokmo, Cynthia  
Ford, Nancy  
Ginsburg, Ruth  
Hall, Betty  
Jean, Claudette  
LaPorte, George  
Leonard, Peter  
McDonough-Wallace, Alice  
Messier, Irene  
Murphy, Robert  
Rowe, Robert  
White, John

Baroody, Benjamin  
Burkush, James  
Curran, James  
Dyer, Merton  
Foster, Linda  
Gorman, Mary  
Hansen, Herbert  
Johnson, Lionel  
LaRose, Richard  
Lynde, Harold  
Melcher, Harold  
Milligan, Robert  
O'Connell, Timothy  
Sargent, Maxwell  
Williams, Carol

Bergeron, Lucien  
Clemons, Jane  
Daigle, Robert  
Fields, Dennis  
Franks, Suzan  
Haettenschwiller, Alphonse  
Herman, Richard  
Keye, Harvey  
Lasky, Bette  
McCarthy, William  
Mendenhall, Leslie  
Moriarty, Mary  
O'Hearn, Jane  
Simon, Anthony

**MERRIMACK**

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Lavoie, Gerard  
Poulin, Dave  
St Cyr, Gerard

Chase, George  
Feuerstein, Martin  
Gile, Mary  
Moore, Carol  
Rodd, Beth  
Wallin, Jean

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Owen, Derek  
Rosenfield, Jay  
Wallner, Mary Jane

Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Potter, Frances  
Seldin, Gloria  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew Jr  
Dalrymple, Janeen  
Gleason, John  
Hutchinson, Rebecca  
Kelley, Jane  
Norelli, Terie  
Pantelakos, Laura  
Shultis, Elizabeth  
Tufts, J Arthur

Bishop, Franklin  
Clark, Martha  
Downing, Michael  
Griffin, Mary  
Kane, Cecelia  
Kobel, Rudolph  
Noyes, Richard  
Pitts, Jacqueline  
Splaine, James  
Vaughn, Charles

Blanchard, MaryAnn  
Cooney, Richard  
Flanagan, Natalie  
Hamel, Albert  
Katsakiores, George  
Langley, Jane  
O'Keefe, Patricia  
Sabella, Norma  
Stone, Joseph  
Weatherspoon, Jackie

Case, Margaret  
Cox, Russell  
Francoeur, Sheila  
Henderson, Warren  
Katsakiores, Phyllis  
Lovejoy, Marian  
O'Neil, Michael  
Shelton, Richard  
Stritch, C Donald  
Welch, David

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Knowles, William  
Rogers, Rose Marie  
Spang, Judith  
Vincent, Francis

Brennan, William  
Estabrook, Iris  
Johnson, Nancy  
Lundborn, Raymond  
Rollo, Michael  
Taylor, Kathleen  
Wall, Janet

Brown, George  
Gilmore, Gary  
Kaen, Naida  
Musler, George  
Smith, Marjorie  
Twardus, Joseph

Domingo, Baldwin  
Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Flint, Gordon Sr

Burling, Peter  
Wiggins, Celestine

Cloutier, John

Donovan, Thomas Jr

**NAYS 149****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Thomas, John

Boyce, Robert  
Lawton, David  
Wendelboe, Francine

Czech, Stanley  
Rice, Thomas

Holbrook, Robert  
Rosen, Ralph

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Sullivan, P Judith

Chandler, Gene  
Mock, Henry  
Torressen, Gary

Dickinson, Howard  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Blaisdell, Michael  
Royce, H Charles

McGuirk, Paul

Roberts, William

Rose, William

**COOS**

Gallus, John  
Tholl, John Jr

Guay, Lawrence

Merrill, Gerald

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Eaton, Stephanie  
Hinman, Harry  
Ward, Brien

Alger, John  
Gilman, G Michael  
Mirski, Paul  
Weber, Phil

Brothers, Richard  
Hall, David  
Phinney, William

Cobb, John  
Harmon, Hobart  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Carlson, Donald  
Daniels, Gary  
Fenton, James  
Herman, Keith  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McGough, Tim  
Ouellette, Dean  
Thulander, O Alan  
Withe, Dennis

Andrews, Frederick  
Brundige, Robert  
Christiansen, Lars  
Desmarais, Vivian  
Fletcher, Richard  
Hunter, Bruce  
Lefebvre, Roland  
Martel, Andre  
McRae, Karen  
Pappas, Marc  
Vaillancourt, Steve

Arnold, Thomas Jr  
Bruno, Pierre  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Goley, Jeffrey  
Jean, Loren  
Lessard, Rudy  
McCarty, Winston  
Moran, Edward  
Pepino, Leo  
Wall, Nancy

Beaupre, Roland  
Calawa, Leon Jr  
Dalianis, Griffin  
Durham, Susan  
Goulet, Maurice  
Kurk, Neal  
Lozeau, Donnalee  
McDonald, James Sr  
Nolan-Piteri, Dawn  
Reeves, Sandra  
White, Donald

**MERRIMACK**

Anderson, Eric  
Larrabee, David Sr  
Marshall, Kenneth  
Whittemore, James

Asplund, Bronwyn  
Leber, William  
Maxfield, Roy

Brewster, Richard  
Lockwood, Priscilla  
Virtue, Carolyn

Kennedy, Richard  
Marple, Richard  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
DiFruscia, Anthony  
Gibbons, Paul  
Kelley, William  
Mikowski, Walter  
Priestley, Anne  
Rubin, George  
Verani, Giovanni

Beaulieu, Jon  
Dowling, Patricia  
Grant, Kenneth  
Letourneau, Robert  
Nowe, Mary Lou  
Putnam, Ed II  
Sapareto, Frank  
Weare, Everett

Belanger, Ronald  
Fesh, Robert  
Hutchinson, Karen  
Major, Norman  
Nowe, Ronald  
Quandt, Marshall  
Stickney, Nancy  
Weyler, Kenneth

Clark, Vivian  
Flanders, John Sr  
Johnson, Robert  
McKinney, Betsy  
Packard, Sherman  
Raynowska, Bernard  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Bickford, David  
McKinley, Robert  
Woods, Phyllis

Brown, Julie  
Spears, Barbara

Callaghan, Frank  
Torr, Franklin

Cossette, Larry  
Tsiros, William



## SULLIVAN

Jones, Constance  
Tuthill, John

Kibbey, David  
Young, David

Leone, Richard

Phinizy, James

and the majority report was adopted.

Ordered to third reading.

Rep. David Flanders declared a conflict and did not participate.

## SUSPENSION OF RULES

Reps. Chandler and Burling move that the Rules be so far suspended as to permit third reading and final passage at the present time of **SB 353**, relative to sales of insurance by financial institutions, **SB 363**, relative to the sale of malt beverages, **SB 409-FN**, relative to health insurance coverage of qualified clinical trials and **SB 419-FN-L**, establishing the crime of negligent storage of a firearm.

Adopted by the necessary two thirds.

## MOTION ON SENATE BILLS

Rep. Chandler moved that, **SB 353**, relative to sales of insurance by financial institutions, **SB 363**, relative to the sale of malt beverages, **SB 409-FN**, relative to health insurance coverage of qualified clinical trials and **SB 419-FN-L**, establishing the crime of negligent storage of a firearm, be read a third time and passed.

Adopted.

## Third reading and final passage

**SB 353**, relative to sales of insurance by financial institutions.

**SB 363**, relative to the sale of malt beverages.

**SB 409-FN**, relative to health insurance coverage of qualified clinical trials.

**SB 419-FN-L**, establishing the crime of negligent storage of a firearm.

## REGULAR CALENDAR (CONT'D.)

**SB 445-FN**, relative to methadone maintenance treatment. OUGHT TO PASS WITH AMENDMENT

Rep. Kathleen M. Flora for Criminal Justice and Public Safety: This bill, as amended, closes a loophole in current law by repealing RSA 318-B:10, VII under which methadone detoxification treatment programs for heroin addiction have been allowed to operate without the oversight of state rules. The amendment requires the Commissioner of Health and Human Services to adopt rules relative to methadone detoxification and methadone maintenance treatment for heroin addiction by June 30, 2001. In addition, SB 445, as amended, allows methadone maintenance treatment programs to operate in New Hampshire once rules are adopted. These rules will require that methadone maintenance be provided within a rehabilitative framework. This brings New Hampshire law for the treatment of heroin addiction in line with the most current recommendations of the National Institute of Health, the National Institute on Drug Abuse, the New Hampshire State Medical Society and our own division of Alcohol, Drug Abuse Prevention and Recovery as an effective treatment modality for this addiction. Testimony from the medical community strongly supports this action to enable the addicted persons to return as quickly as possible to contributing members of society. Patients on methadone are able to become functional members of their families and communities. They are able to maintain employment and get the necessary counseling, needed to achieve long term success in defeating their addiction. Law enforcement officials including the New Hampshire Attorney General supported enforcement, education and treatment as a three pronged approach to eradicate illegal drug use in the State of New Hampshire. Studies have demonstrated a decrease in criminal activity corresponding to the initiation of methadone treatment. We have a growing, state-wide heroin problem in New Hampshire. SB 445, as amended, allows for the provision of well-regulated comprehensive treatment and rehabilitation for heroin addiction. Vote 13-2.

## Amendment (4358h)

Amend the bill by replacing all after the enacting clause with the following:

I Methadone Maintenance Treatment; Rulemaking. RSA 318-B:10, VII is repealed and reenacted to read as follows:

VII.(a) The department of health and human services is hereby declared to be the state methadone authority.

(b) The commissioner of the department of health and human services shall, on or before June 30, 2001, adopt and have in effect rules, pursuant to RSA 541-A, relative to detoxification and methadone maintenance programs as follows:

(1) Application procedure and standards for approval for certification and re-certification of providers to operate detoxification and methadone maintenance programs, including certification period, for each type of certification.

(2) Eligibility of individuals for admission to such programs.

(3) Qualifications of program personnel.

(4) Program content, including, but not limited to, services to be offered by the program.

(5) Mandatory records and reports to the department.

(6) Security measures to prevent diversion of methadone to illegal use.

(7) Confidentiality and disclosure of identifying information, records and reports.

(8) Financial responsibility.

(9) Any other provisions necessary to implement the purposes of this paragraph.

(c) Providers may operate a methadone detoxification or methadone maintenance program, or both, in the state of New Hampshire only if the providers are certified to operate pursuant to rules adopted under subparagraph VII(b). In implementing subparagraph VII(b), the commissioner shall not use the interim rulemaking process in RSA 541-A:19.

(d) For the purposes of this paragraph:

(1) "Heroin" means an illegal semi-synthetic drug produced from the morphine contained in sap of the opium poppy, and known to have the potential for devastating addictive properties in vulnerable individuals.

(2) "Methadone" means a legal drug, methadone hydrochloride, which is a synthetic opiod that has been demonstrated to be an effective treatment agent for heroin abuse and dependence.

(3) "Methadone detoxification treatment" means the dispensing of methadone or similar substance in decreasing doses to an individual in order to reduce or eliminate adverse physiological or psychological effects incident to the withdrawal from the sustained use of heroin.

(4) "Methadone maintenance program" means a substance abuse treatment program substituting methadone or any of its derivatives, over time, to relieve withdrawal symptoms of heroin dependence, to reduce craving, and to permit normal functioning and engagement in rehabilitative services.

(e) Nothing in this paragraph shall prohibit a licensed health care practitioner from administering, prescribing, or dispensing a controlled drug under paragraph I.

2 Applicability. Notwithstanding RSA 318-B:10, VII(c) as inserted by section 1 of this act, methadone detoxification programs licensed pursuant to federal statute and regulations may operate without certification under paragraph VII for up to 90 days after the effective date of rules adopted under RSA 318-B:10, VII(b) as inserted by section 1 of this act.

### 3 Applicability.

I. Notwithstanding the above, nothing in this act shall be construed as prohibiting or limiting the provision of methadone detoxification treatment or from prohibiting or limiting treatment for those persons in treatment under RSA 318-B:10, VIII. Any other methadone detoxification treatment shall cease to operate on June 30, 2001 if the rules required under section 1 of this act have not been adopted.

II. Any provider under this section may provide treatment as long as the provider meets Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation standards and is licensed by the federal Food and Drug Administration and the federal Drug Enforcement Administration, and otherwise meets all applicable state and federal laws and regulations.

4 New Paragraph; Definition Added. Amend RSA 318:1 by inserting after paragraph VII the following new paragraph:

VII-a. "Limited retail drug distributor" means federally funded clinics operated under contract with the department of health and human services and drug abuse treatment centers, where legend and controlled drugs are held, stored or dispensed to patients pursuant to the order of an authorized practitioner.

### 5 New Section; Licensing of Limited Retail Drug Distributors Required.

#### 318:51-b Licensing of Limited Retail Drug Distributors Required.

I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-a, without first having obtained a license to do so from the board. Such license shall expire annually on June 30. An application together with a reasonable fee as established by the board shall be filed annually on or before July 1.

II. No license shall be issued under this section unless the applicant has furnished proof satisfactory to the board that:

(a) The applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) The applicant has sufficient space and security equipment as to properly carry on the business described in the application.

(c) The license granted by this chapter shall at all times be displayed in a conspicuous place in the facility for which it is issued.

(d) The applicant has a written contract with a pharmacist licensed in the state to serve as a consultant on all matters relating to the storage and dispensing of prescription drugs.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section is subject to the provisions of RSA 318:29.

6 Licensure Required. RSA 318:42, VII(d) is repealed and reenacted to read as follows:

(d) The clinic, except for clinics operated directly by the department of health and human services, possesses a current limited retail drug distributor's license under RSA 318:51-b.

7 Repeal. RSA 318:42, VII(e), relative to drug wholesaler's license is repealed.

8 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to adopt rules relative to methadone maintenance treatment.

This bill also requires limited retail drug distributors to be licensed by the New Hampshire pharmacy board.

Adopted.

Report adopted and ordered to third reading.

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 1548 and Senate Bills 143 and 376.

Rep. Ronald Nowe for the Committee

### REGULAR CALENDAR (CONT'D.)

**CACR 20**, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lynn C. Horton for the Majority of Election Law: The majority of the committee feels that the present system of having to be elected every two years for governor and senators keeps them closer to the people and more accountable for their actions. Vote 11-6.

Rep. Christine M. Konys for the Minority of Election Law: The minority of the committee feels that the state of New Hampshire would be better served with four-year terms for governor and senators. Instead of spending a great part of their second year in office focusing on running a campaign, those officials could instead take the necessary time to thoroughly explore and address complex issues facing the legislature.

Rep. Arndt requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

### YEAS 212 NAYS 111

#### YEAS 212

#### BELKNAP

Bartlett, Gordon  
Holbrook, Robert  
Rice, Thomas  
Turner, Robert

Boriso, Thomas  
Johnson, James  
Rosen, Ralph  
Wendelboe, Francine

Boyce, Robert  
Lawton, David  
Russell, David

Czech, Stanley  
Pilliod, James  
Thomas, John

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Roberts, William

Doucette, Richard  
Rose, William

Hunt, John  
Royce, H Charles

Lynott, Margaret

**COOS**

Davis, Perley  
Merrill, Gerald

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Horton, Lynn

**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
Harmon, Hobart  
Scanlan, David

Alger, John  
Eaton, Stephanie  
Marshall, Gene  
Ward, Brien

Brothers, Richard  
Gilman, G Michael  
Mirski, Paul  
Weber, Phil

Cobb, John  
Hall, David  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Beaupre, Roland  
Calawa, Leon Jr  
Clemons, Jane  
Dalianis, Griffin  
Dyer, Merton  
Ford, Nancy  
Goulet, Maurice  
Holley, Sylvia  
Keye, Harvey  
Lefebvre, Roland  
Martel, Andre  
McDonald, James Sr  
Mercer, Robert  
Murphy, Robert  
Reeves, Sandra  
Turgeon, Roland

Andrews, Frederick  
Belvin, William  
Carlson, Donald  
Cote, David  
Daniels, Gary  
Fields, Dennis  
Foster, Linda  
Haley, Robert  
Hunter, Bruce  
Kurk, Neal  
Leishman, Peter  
McCarthy, William  
McGough, Tim  
Milligan, Robert  
O'Connell, Timothy  
Rowe, Robert  
Vaillancourt, Steve

Arnold, Thomas Jr  
Brundige, Robert  
Christiansen, Lars  
Cote, Peter  
Dawe, Eileen  
Fletcher, Richard  
Franks, Suzan  
Hansen, Herbert  
Jean, Loren  
L'Heureux, Robert  
Lozeau, Donnalee  
McCarty, Winston  
Melcher, Harold  
Moran, Edward  
O'Hearn, Jane  
Sargent, Maxwell  
Wall, Nancy

Baroody, Benjamin  
Bruno, Pierre  
Clegg, Robert Jr  
Daigle, Robert  
Durham, Susan  
Flora, Kathleen  
Gorman, Mary  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
MacGillivray, Jeffrey  
McColgan, Philip Jr  
Mendenhall, Leslie  
Mosher, William  
Pepino, Leo  
Thulander, O Alan  
Withee, Dennis

**MERRIMACK**

Asplund, Bronwyn  
Feuerstein, Martin  
Kennedy, Richard  
Marple, Richard  
Virtue, Carolyn

Chase, George  
Fraser, Marilyn  
Lavoie, Gerard  
Marshall, Kenneth  
Wallin, Jean

Daneault, Gabriel  
Gile, Mary  
Leber, William  
Poulin, Dave  
Whalley, Michael

Davis, Francis  
Hess, David  
Lockwood, Priscilla  
Rodd, Beth  
Whittemore, James

**ROCKINGHAM**

Arndt, Janet  
Christie, Andrew Jr  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Major, Norman  
Nowe, Ronald  
Priestley, Anne

Beaulieu, Jon  
Clark, Vivian  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Kelley, William  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II

Belanger, Ronald  
Cooney, Richard  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Kane, Cecelia  
Kobel, Rudolph  
Mikowski, Walter  
O'Neil, Michael  
Quandt, Marshall

Case, Margaret  
Cox, Russell  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Letourneau, Robert  
Nowe, Mary Lou  
Packard, Sherman  
Raynowska, Bernard



Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Welch, David	Weyler, Kenneth	Zolla, William	

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
Dunlap, Patricia	Gilmore, Gary	Kaen, Naida	Knowles, William
McKinley, Robert	Musler, George	Rollo, Michael	Spear, Barbara
Taylor, Kathleen	Tsiros, William	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Cloutier, John	Flint, Gordon Sr	Kibbey, David	Phinizy, James
Young, David			

**NAYS 111****BELKNAP**

Millham, Alida	Wood, Jane
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**CARROLL**

Kenney, Joseph

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Lynch, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Richardson, Barbara	Robertson, Timothy	Zerba, Roger

**COOS**

Glines, Sara	Landers, Dana	Mears, Edgar	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Densmore, Jessica	Guest, Robert	Ham, Bonnie
Hinman, Harry	Johnson, Gary	Nordgren, Sharon	

**HILLSBOROUGH**

Ahern, Richard	Arthur, Rose	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Curran, James	Desmarais, Vivian	Drabinowicz, A Theresa
Fenton, James	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Haettenschwiller, Alphonse	Hall, Betty	Herman, Richard	Jean, Claudette
Konys, Christine	LaPorte, George	Leonard, Peter	Lynde, Harold
McDonough-Wallace, Alice	Messier, Irene	Moriarty, Mary	Nolan-Piteri, Dawn
Reidy, Frank	Simon, Anthony	White, Donald	White, John
Williams, Carol			

**MERRIMACK**

Anderson, Eric	Bouchard, Candace	Crosby, Toni	Fortnam, Janet
French, Barbara	Hager, Elizabeth	Larrabee, David Sr	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Gibbons, Paul
Hutchinson, Rebecca	Kelley, Jane	Langley, Jane	Lovejoy, Marian
Norelli, Terie	Pitts, Jacqueline	Rubin, George	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Stickney, Nancy	Weare, Everett
Weatherspoon, Jackie			

**STRAFFORD**

Brennan, William	Brown, George	Cossette, Larry	Domingo, Baldwin
Estabrook, Iris	Heon, Richard	Johnson, Nancy	Pelletier, Arthur
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Spang, Judith
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis

## SULLIVAN

Allison, David  
Leone, Richard

Burling, Peter  
Tuthill, John

Donovan, Thomas Jr  
Wiggins, Celestine

Jones, Constance

and the majority report was adopted.

Reps. Copenhaver and David Cote voted Yea and intended to vote Nay.

Rep. Pappas did not vote and wished to be recorded in favor.

### **SB 303, relative to campaign contributions by business organizations. OUGHT TO PASS WITH AMENDMENT**

Rep. Robert J. Letourneau for Election Law: As amended, this bill is the work of a bipartisan subcommittee of Election Law. It also has the unanimous support from the Election Law Committee. The bill, as amended, is true campaign finance reform. A recent court decision declared New Hampshire's longstanding ban on corporate contributions unconstitutional. The judge also noted that a similar ban on union contributions was likely unconstitutional, but has yet to be challenged in court. This area is also addressed in this bill. During testimony on these bills, the Election Law Committee also heard a need to further refine our laws concerning campaign finance. The committee amendment provides that both corporate and union contributions must come from segregated accounts (PAC's). Neither can force employees or members to contribute to the PAC, nor can dues or deductions be placed in the PAC without the permission of the employee or member. Candidates under the amended bill will now be required to report all money received and expended. The bill also addresses the practice of not reporting certain contributions until after the election. In addition, the bill provides that all candidates must report any new contributions and expenditures within 24 hours during the week before the primary or general elections. As under current law, candidates who do not receive or spend \$500 on the campaign would not have to file a report. Now voters will know who or what special interest is financing the campaign before they go to the ballot box. The committee also heard complaints about the costs of voter lists. With the advent of technology, lists are now computerized. The cost to copy the list onto disk or tape is far less than the old method of employees going to the copy machine. Under the amended version, no checklist of voters in a community will cost more than \$25. The committee feels this amended bill is true campaign finance reform which members of both parties have been requesting for years. The voters should go to the ballot box with full knowledge of whose interests will be served. A knowledgeable voter means a better government. Vote 17-0.

### **Amendment (4383h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to campaign finance reporting requirements, availability of voter checklists on computer disks, and permissible campaign contributions by business organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Political Expenditures and Contributions; Definitions; Segregated Accounts; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVII the following new paragraphs:

XVIII. "Segregated accounts" mean accounts funded by contributions solicited from a business organization's, labor union's, or group of labor unions' employees, officers, shareholders, directors, partners, or members for political purposes.

XIX. "Coordinated expenditure" means an expenditure by a political party, a political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

2 Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity [~~expressly~~] advocating the election or defeat of a clearly identified candidate which are *not* made [~~without cooperation or consultation~~] *in conjunction or coordination* with any candidate, or any authorized committee or agent of such candidate, and which are not made in [~~concert~~] *coordination* with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

3 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6 and 664:7 are repealed and reenacted to read as follows: 664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statement filed pursuant to paragraph I, if any, and shall itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph I up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements filed pursuant to paragraphs I and II, if any, and itemize all receipts of contributions and expenditures made since the cutoff of the statement filed pursuant to paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution, contributions or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of primary election. No more than one report to the secretary of state shall be required within a 24 hour period.

IV. An itemized statement in the same form as in paragraph I, summarizing the previous statements, if any, and itemizing all receipts of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesday one week after the primary election; the Wednesdays 4 weeks, 2 weeks, and immediately preceding the general election; and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution, contributions, or expenditures exceeding \$500 in the aggregate that are received after the statement under this paragraph is filed and prior to the day of the general election. No more than one report to the secretary of state shall be required within a 24 hour period.

V. Any political committee whose receipt of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500, the committee shall file a statement at the next reporting deadline.

VI. Any political committee that has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. Copies of the statements required by paragraphs I through VI of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.



VIII. Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VI, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

IX. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee, which is required by federal law to file with the federal government reports relative to receipts of contributions and expenditures in support of such one candidate, may choose, at the time of registering under RSA 663:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

#### 664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. Candidates for the offices of speaker of the house, president of the senate, secretary of state, state treasurer, clerks, assistant clerks, and sergeants-at-arms of the house and senate shall report contributions and expenditures exceeding \$500 in the aggregate in like manner and detail as prescribed in RSA 664:6, I, except that the filing of statements for these offices shall be limited to the Wednesdays one week and 3 weeks after the general election and the Wednesday one week after the election for these offices.

III. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

4 New Sections: Elections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA 664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b.

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 shall be listed on forms or other means prescribed by the secretary of state. The listing for each contribution exceeding \$25 shall include disclosure information. The disclosure information shall include the name; home or post office address; employer, business organization, or primary source of income; post office address of employer or business; and occupation of the contributor. Contributions shall be categorized as in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. The report shall also list the aggregate total received from each contributor whose total contributions exceed \$100 and the contributor's disclosure information. All expenditures, as defined in RSA 664:2, IX and XVII, shall be reported in similar detail on forms or other means prescribed by the secretary of state.

#### 664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor and any disclosure reports filed by candidates for United States senator and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the official internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this subdivision by political committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

#### 5 Voters and Checklists, Availability of Checklist. Amend RSA 654:31 to read as follows:

##### 654:31 Availability of Checklist.

I. The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The



supervisors shall furnish one or more copies of the most recent checklist to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his *or her* preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or [ward] city checklist be less than \$5 nor more than \$25 per checklist. ~~[The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it.]~~ The fee shall be for the use of the town or city.

***II. If a town or city maintains a voter checklist on computer files, a person may request a copy of such files on computer disk or tape. For purposes of this paragraph, the checklist shall include all registered voters in a town or city. The fee charged for copies of the checklist on computer disk or tape shall not be more than \$25.***

6 Prohibited Political Organizations; Business Organizations. RSA 664:4, I is repealed and re-enacted to read as follows:

I. By any business organization, officer, director, executive, agent, partner or employee acting in behalf of such business organization. This shall not prohibit the establishment or administration of a separate, segregated account which shall constitute a political committee as defined in RSA 664:2, III that operates independently of the business organization to be used for making political contributions and expenditures if the account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the business organization. The provisions of this section shall not apply to sole proprietorships.

7 Political Expenditures and Contributions; Prohibited Political Contributions; Segregated Account Exception. Amend RSA 664:4, III to read as follows:

III. By any labor union or group of labor unions, or by any officer, director, executive, agent or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent or employee acting in behalf of such organization. ***This shall not prohibit the establishment or administration of a separate, segregated account which shall constitute a political committee, as defined in RSA 664:2, III, that operates independently of the labor union to be used for making political contributions and expenditures if the account consists only of voluntary contributions solicited from an individual who is an employee, officer, shareholder, director, partner, or member of the labor union.***

8 Repeal. RSA 664:4, II, relative to prohibited political contributions by partnerships, is repealed.

9 Effective Date. This act shall take effect upon its passage.

Rep. Clegg requested that Section 5 of the amendment be voted on separately. The Speaker ruled the question was divisible.

The question now being the adoption of Section 5 of the amendment.

Rep. Almy spoke against.

Rep. Buckley spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against and yielded to questions.

On a division vote, 141 members having voted in the affirmative and 160 in the negative, Section 5 of the amendment failed.

The question now being on the remainder of the amendment.

Rep. Kennedy spoke against.

Rep. Splaine spoke against and yielded to questions.

Reps. Buckley, Clemons and Clegg spoke in favor and yielded to questions.

Rep. Clegg requested a roll call; sufficiently seconded.

The question being the adoption of the remainder of the amendment.

**YEAS 238 NAYS 74**

**YEAS 238**

**BELKNAP**

Boriso, Thomas  
Millham, Alida  
Thomas, John

Boyce, Robert  
Pilliod, James  
Turner, Robert

Holbrook, Robert  
Rosen, Ralph  
Wood, Jane

Johnson, James  
Russell, David

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Sullivan, P Judith			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Roberts, William	Robertson, Timothy
Rose, William	Royce, H Charles	Zerba, Roger	

**COOS**

Glines, Sara	Horton, Lynn	Landers, Dana	Mears, Edgar
Merrill, Gerald	Rodrigue, Robert	Toll, John Jr	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Copenhaver, Marion	Densmore, Jessica	Guest, Robert	Hall, David
Hinman, Harry	Johnson, Gary	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Beaupre, Roland	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Curran, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Drabinowicz, A Theresa
Durham, Susan	Dyer, Merton	Fenton, James	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Herman, Richard	Jean, Claudette	Jean, Loren
Keye, Harvey	Konys, Christine	Kurk, Neal	Leishman, Peter
Lozeau, DonnaLee	Lynde, Harold	McCarty, Winston	McColgan, Philip Jr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Reidy, Frank	Sargent, Maxwell
Thulander, O Alan	Wall, Nancy	White, John	Williams, Carol
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Jacobson, Alf
Larrabee, David Sr	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Rosenfield, Jay	Seldin, Gloria	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whitemore, James	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Christie, Andrew Jr	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert

Henderson, Warren  
Kelley, William  
Lovejoy, Marian  
Nowe, Mary Lou  
Packard, Sherman  
Quandt, Marshall  
Stone, Joseph  
Welch, David

Hutchinson, Rebecca  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Sabella, Norma  
Tufts, J Arthur  
Weyler, Kenneth

Kane, Cecelia  
Langley, Jane  
Mikowski, Walter  
Noyes, Richard  
Pitts, Jacqueline  
Shelton, Richard  
Weare, Everett

Kelley, Jane  
Letourneau, Robert  
Norelli, Terie  
O'Neil, Michael  
Priestley, Anne  
Stickney, Nancy  
Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
Brown, Julie  
Johnson, Nancy  
Rollo, Michael  
Spear, Barbara  
Twardus, Joseph

Bickford, David  
Callaghan, Frank  
Keans, Sandra  
Smith, Marjorie  
Taylor, Kathleen  
Vachon, Dennis

Brennan, William  
Estabrook, Iris  
Knowles, William  
Snyder, Clair  
Torr, Franklin  
Vincent, Francis

Brown, George  
Heon, Richard  
Rogers, Rose Marie  
Spang, Judith  
Tsiros, William  
Woods, Phyllis

### SULLIVAN

Burling, Peter  
Tuthill, John

Cloutier, John  
Wiggins, Celestine

Donovan, Thomas Jr  
Young, David

Jones, Constance

### NAYS 74

### BELKNAP

Bartlett, Gordon

Czech, Stanley

Lawton, David

Wendelboe, Francine

### CARROLL

Dickinson, Howard

### CHESHIRE

None

### COOS

Davis, Perley  
Woodward, David

Gallus, John

Guay, Lawrence

Pratt, Leighton

### GRAFTON

Ham, Bonnie

Harmon, Hobart

Ward, Brien

### HILLSBOROUGH

Belvin, William  
Cote, Peter  
Haley, Robert  
Johnson, Lionel  
Lefebvre, Roland  
McCarthy, William  
Vaillancourt, Steve

Bergeron, Lucien  
Fields, Dennis  
Hall, Betty  
L'Heureux, Robert  
Leonard, Peter  
Rowe, Robert  
White, Donald

Brundige, Robert  
Goley, Jeffrey  
Holley, Sylvia  
LaPorte, George  
MacGillivray, Jeffrey  
Simon, Anthony

Carlson, Donald  
Goulet, Maurice  
Hunter, Bruce  
LaRose, Richard  
Martel, Andre  
Turgeon, Roland

### MERRIMACK

Davis, Francis  
Virtue, Carolyn

Lavoie, Gerard

Marple, Richard

St Cyr, Gerard

### ROCKINGHAM

Beaulieu, Jon  
Gibbons, Paul  
Major, Norman  
Sapareto, Frank  
Varrell, Thomas

Blanchard, MaryAnn  
Johnson, Robert  
Putnam, Ed II  
Shultis, Elizabeth  
Vaughn, Charles

Case, Margaret  
Katsakiores, George  
Raynowska, Bernard  
Splaine, James  
Zolla, William

Flanagan, Natalie  
Katsakiores, Phyllis  
Rubin, George  
Stritch, C Donald

**STRAFFORD**

Cossette, Larry  
Kaen, Naida

Domingo, Baldwin  
Pelletier, Arthur

Dunlap, Patricia  
Pelletier, Marsha

Gilmore, Gary  
Wall, Janet

**SULLIVAN**

Kibbey, David

Leone, Richard

Phinizy, James

and the remainder of the amendment was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Rep. Franks moved that the House reconsider its action whereby it failed to adopt Section 5 of the amendment.

Rep. Clegg spoke in favor.

Rep. Vaillancourt requested a roll call; not sufficiently seconded.

On a division vote, 172 members having voted in the affirmative and 140 in the negative, reconsideration prevailed.

The question again being the adoption of Section 5.

Rep. Buckley spoke in favor and yielded to questions.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Almy offered a floor amendment.

**Floor Amendment (4542h)**

Amend the bill by replacing section 5 with the following:

5 Voters and Checklists, Availability of Checklist. Amend RSA 654:31 to read as follows:  
654:31 Availability of Checklist.

**I.** The checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors shall furnish one or more copies of the most recent checklist to any person requesting such copies. If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his *or her* preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per checklist. ~~[The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it.]~~ The fee shall be for the use of the town or city.

**II.** *If a town or city maintains a voter checklist on computer files, a person may request a copy of such files on computer disk or tape. For purposes of this paragraph, the checklist shall include all registered voters in a town or city. The fee charged for copies of the checklist on computer disk or tape shall not be more than \$25.*

**AMENDED ANALYSIS**

This bill:

I. Defines segregated accounts and coordinated expenditures and changes the definition of independent expenditure.

II. Describes the reporting requirements for political committees and candidates and defines the content of mandatory campaign finance disclosure reports.

III. Requires the secretary of state to maintain an electronic database of certain finance disclosure records.

IV. Addresses the availability of obtaining copies of voter checklists on computer disks.

V. Creates an exception to the prohibition on political contributions by business organizations through the use of segregated accounts for voluntary contributions by members of the business organization.

Rep Almy spoke in favor.

Adopted.

Report adopted and ordered to third reading.

Rep. Weber declared a conflict of interest and did not participate.



**SB 465-FN-L**, relative to the definition of “sugar orchard” for purposes of the timber yield tax. REFER FOR INTERIM STUDY

Rep. Suzan L R Franks for Environment and Agriculture: The Environment and Agriculture Committee agrees it is important to define “sugar orchard” for purposes of clarifying current law. However, it was found to require more time than was allotted and therefore recommends interim study. Vote 11-1.

Adopted.

Rep. Scanlan declared a conflict of interest and did not participate.

**SB 181-FN**, relative to the licensure of geologists. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Alida I. Millham for the Majority of Executive Departments and Administration: This bill establishes the board of professional geologists and authorizes the regulations of the practice, examination, licensure, and discipline of professional geologists. The professional geologists will become part of the joint board of professional engineers, architects, land surveyors, foresters and natural scientists. The amendment reflects a carefully crafted approach to “grandfathering” of geologists. The amendment was agreed to by the professional engineers and the professional geologists Vote 14-3.

Rep. Carolyn A. Virtue for the Minority of Executive Departments and Administration: SB 181-FN establishes licensure for professional geologists, a profession not currently regulated in New Hampshire. The requirements for licensure (RSA 310-A:125,I(a)) includes in addition to education, presentation of “evidence suitable to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a licensed professional geologist or a geologist who otherwise meets the requirements of a licensed professional geologist as determined by the board.” The “grandfather clause” (RSA 310-A:125,II) states “Following the effective date of the initial adoption by the board of rules under RSA 541-A, the board may issue licenses without examination to applicants whose applications for licensure have been received during a one-year period following the effective date of adoption of rules and who either meet the education and experience requirements of subparagraph I(a) of this section, or who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements” (which is also referenced in (RSA 310-A:125,I(b))). “Experience in the practice of geology, obtained before the expiration of the period described in paragraph II of this section, may count towards the experience in the practice of geology under the supervision of a professional geologist required in subparagraph I (a) of this section if the supervising geologist met the education and experience qualifications of paragraph II at the time of the relevant experience. For purposes of this section, experience in the practice of geology does not include routine sampling, laboratory work or geological drafting.” The minority is very concerned that few, if any, geologists currently practicing in New Hampshire would meet these requirements. SB 181-FN also provides for certificates and seals and requires that they be applied to all documents involving the practice of geology when issued or filed for public record. This requirement will be just another bureaucratic expense for the residents of New Hampshire. The issue of the grandfather clause and expense to the citizens deserves further consideration, while the geologists continue to practice in New Hampshire, just as they have been.

### **Amendment (4300h)**

Amend RSA 310-A:121, I as inserted by section 3 of the bill by replacing it with the following:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The application procedure for a license to practice under this subdivision;
- (b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;
- (c) The examination procedures in accordance with applicable statutes, including the time and place of the examination;
- (d) License renewal, including requirements for continuing education;
- (e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;
- (f) Procedures for the conduct of hearings consistent with the requirements of due process;
- (g) The design of an official seal;

(h) What constitutes geology experience for the purposes of RSA 310-A:125;

(i) Procedures for a waiver of the fundamentals of geology examination under RSA 310-A:129; and

(j) Interstate licensure and temporary permits under RSA 310-A:131.

Rep. Goulet spoke against.

The amendment failed.

Rep. Goulet offered a floor amendment.

### **Floor Amendment (4527h)**

Amend RSA 310-A:121, I as inserted by section 3 of the bill by replacing it with the following:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedure for a license to practice under this subdivision;

(b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;

(c) The examination procedures in accordance with applicable statutes, including the time and place of the examination;

(d) License renewal, including requirements for continuing education;

(e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;

(f) Procedures for the conduct of hearings consistent with the requirements of due process;

(g) The design of an official seal;

(h) What constitutes geology experience for the purposes of RSA 310-A:125;

(i) Procedures for a waiver of the fundamentals of geology examination under RSA 310-A:129; and

(j) Interstate licensure and temporary permits under RSA 310-A:131.

Amend RSA 310-A:130 as inserted by section 3 of the bill by replacing it with the following:

310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee established by the board, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

Amend RSA 310-A:132 as inserted by section 3 of the bill by replacing it with the following:

310-A:132 License Expiration and Renewals.

I. All licenses issued by the board shall expire on the last day of the licensee's month of birth the second year following the year of issuance, or upon such other biennial date as the board may adopt. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. Failure to remit the renewal fee when due shall automatically suspend the license. A person whose license is canceled for such failure may reinstate the license by paying, within one year of suspension, all fees due, plus a late fee as established by the board.

III. If the renewal fee is not submitted within one year of the expiration date, an application for reinstatement shall be required and approved by the board to reinstate the license.

Amend RSA 310-A:134, I as inserted by section 3 of the bill by replacing it with the following:

I. Any employee of the board engaged in making any investigation shall have the power to administer oaths to persons pertaining to any investigation. All files of an investigation in progress shall be confidential and exempt from the provisions of RSA 91-A.

Amend RSA 310-A:139, I(a) as inserted by section 3 of the bill by replacing it with the following:

(a) The practice of officers and employees of the government of the United States or the state while engaged within this state in the practice of geology for the federal government or the state.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

Adopted.

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

The question now being the adoption of the majority report.

Rep. Virtue spoke against and yielded to questions.

Rep. Millham spoke in favor.

Rep. Virtue requested a roll call; not sufficiently seconded.

On a division vote 174 members having voted in the affirmative and 91 in the negative, the majority report failed lacking the necessary two-thirds.

Rep. Wallin moved Refer for Interim Study.

Adopted by the necessary two-thirds.

Reps. Arnold and Bruno declared conflicts of interest and did not vote.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

**SB 458-FN**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. **OUGHT TO PASS**

Rep. Michael O'Neil for Executive Departments and Administration: This bill will change the salary range of the executive secretary of the New Hampshire Retirement System from Group N (\$50,323-\$64,036) to Group S (\$66,325-\$83,477). The salary will be paid from the administrative account of the New Hampshire Retirement System and will not effect the state general fund or local expenditures. The bill also changes the title from executive secretary to executive director and the deputy executive secretary to deputy executive director. Vote 11-5.

On a division vote, 194 members having voted in the affirmative and 79 in the negative, the report was adopted.

Ordered to third reading.

**SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**

Rep. William S. Belvin for Finance: This bill replaces the current Housing Assistance Trust Fund with a more narrowly focused Homeless Prevention Fund. Its purpose is to recognize the growing pressures on persons with minimum incomes to find affordable housing. The Finance Committee amendment removes the following provisions: a drafting error with an unused definition is deleted, as is an unconstitutional reference to months of New Hampshire residency. Also removed is a landlord refund process which would be awkward to administer. Finally, references to the general fund, and an appropriation of \$1 were taken out. Testimony was received that the Department of Health and Human Services was pursuing federal dollars through Temporary Assistance to Needy Families (TANF). Language that allows other funding sources was retained. No additional provisions were added by the amendment. Homelessness remains as a serious New Hampshire problem, and the bill advances possible solutions to this issue. Vote 21-5.

### Amendment (4293h)

Amend RSA 204-C:81 and RSA 204-C:82 as inserted by section 2 of the bill by replacing them with the following:

204-C:81 Definitions. In this subdivision:

I. "Fund" means the homeless prevention fund.

II. "Housing assistance payments" means rent subsidies, security deposit advances, mortgage assistance payments, and any other shelter cost-related payments made on behalf of very low income households.



III. "Minor child" means a person under 18 years of age.

IV. "Severely rent burdened" means a household for which the monthly rent and utility costs exceed 50 percent of the gross monthly income.

V. "Very low income households" means individuals or families whose gross income is 50 percent or less of the median income, adjusted for household size, as published periodically by the United States Department of Housing and Urban Development.

204-C:82 Fund Established.

I. There is hereby established within the authority a homeless prevention fund. The fund shall be comprised of donations from private persons or entities, grants, set-asides, and other appropriations authorized by law. All sums from government appropriations or grants shall be credited to the fund, but such sums shall not be deemed to be money received on account of the state, and nothing in this subdivision shall be understood as pledging the faith and credit of the state.

II. The authority shall use moneys deposited in the fund for the following purposes:

(a) Direct housing assistance payments to eligible very low income persons or households.

(b) The provision and coordination of services, such as jobs, training, financial counseling, and other supportive services, which are made available to very low income households participating in the homeless prevention program.

(c) The creation of new or rehabilitated dwelling units to be made available to very low income households assisted under this subdivision.

(d) Matching grants to units of local government or local housing authorities established under RSA 203 to support homeless prevention programs for very low income households.

(e) The purchase of existing single family homes by or on behalf of low income households or to prevent the household occupants from becoming homeless.

Amend RSA 204-C:83 as inserted by section 2 of the bill by deleting RSA 204-C:83, IV and renumbering the original paragraphs V-VIII to read as IV-VII.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as section 5. Adopted.

Report adopted and ordered to third reading.

**SB 206-FN-A-L**, relative to distribution of tobacco settlement funds. **OUGHT TO PASS**

Rep. Francine Wendelboe for Finance: This bill designates that the first \$3,000,000 of the tobacco settlement money be used to fund the tobacco use prevention fund established in RSA 126-K:15. The allocation of the funds are established under HB 1594 which designated prevention program categories. The tobacco settlement funds remaining go to the education trust fund in the amount of \$40 million. If there is still a balance remaining, the money goes to the general fund. The majority of the committee felt that the funding required by statute very appropriately should come from tobacco settlement funds rather than a general fund appropriation. Vote 21-2.

Adopted and ordered to third reading.

**SB 210-FN-L**, relative to payment by the state for certain court-ordered placements of special education students. **REFER FOR INTERIM STUDY**

Rep. Bruce F. Hunter for Finance: This bill would require that the state pay the full cost of special education services provided to all court-ordered, out-of-district placements of special education pupils and would additionally require that the department of education seek reimbursement for all such costs from the sending districts. In theory, the bill appears to present a fiscal impact which is neutral. Upon further review, crucial questions were raised regarding the ability of the state department of education to take on this responsibility and its capacity to act as a bill collector responsible for billing and collecting funds from the local school districts. The answers to the questions raised by the committee could have a significant fiscal impact on the state and cannot accurately be determined or identified at this time. The committee believes that the proposal has merit and should be completely investigated to identify its true fiscal impact. Vote 17-5.

Adopted.

**SB 379-FN**, relative to lottery scratch tickets. **OUGHT TO PASS**

Rep. Jean R. Wallin for Finance: This bill increases the price the Sweepstakes Commission may charge for instant scratch tickets to \$10. The current limit is \$5 per ticket. In order to prevent the decline of net profits from instant ticket sales, it is necessary to keep the games exciting by match-



ing price competition in adjoining states. When Vermont introduced higher priced tickets for the 1999 holiday session they were sold out by the first of the year. The commission plans to market a \$7 ticket in December 2000 that would be replaced by a \$10 ticket in December 2002. Scratch tickets represent the largest profit center for the commission with sales of \$120,000,000 of the total \$198,000,000 sold. Vote 18-7.

On a division vote, 195 members having voted in the affirmative and 74 in the negative, the report was adopted.

Ordered to third reading.

**SB 397-FN-A-L**, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange. **OUGHT TO PASS WITH AMENDMENT**

Rep. Susan W. Almy for Finance: This bill appropriates \$950,000 from the Education Trust Fund for kindergarten programs the legislature had thought it appropriated in HB 117 (Chapter 17, 1999) last year, and corrects the property tax warrant of the small town of Orange, which, inadvertently included a state park and had burdened the citizens of that town with a higher state property tax than deserved. The effect of the latter correction is to increase our Education Trust Fund deficit by \$22,786 in this biennium. The amendment fixes two errors to maintain the intent of the bill. Vote 21-3.

#### **Amendment (4362h)**

Amend the bill by replacing section 1 with the following:

1 Appropriation from Education Trust Fund. Notwithstanding the provisions of RSA 198:39, the sum of \$950,000 is hereby appropriated, for the biennium ending June 30, 2001, from the education trust fund to the department of education for the purpose of funding public kindergarten programs pursuant to 1999, 65:9 as amended by 1999, 281:16. The governor is authorized to draw a warrant for said sum from any moneys available in the education trust fund.

Amend the bill by replacing paragraph I of section 2 with the following:

I. Notwithstanding RSA 198:40 through RSA 198:42, for the fiscal year ending June 30, 2000, the total adequate education grant for the town of Orange shall be \$127,287. In addition to the provisions of 1999, 17:52, I, an additional payment of \$11,398 shall be distributed to the town of Orange by June 30, 2000 from the education trust fund for an adequate education grant total of \$127,287.

#### **AMENDED ANALYSIS**

This bill makes an appropriation of \$950,000, for the biennium ending June 30, 2001, from the education trust fund to the department of education for the funding of public kindergarten programs pursuant to 1999, 65:9 as amended by 1999, 281:16. This bill also adjusts the adequate education grant amount for the town of Orange for fiscal year 2000, and adjusts the property tax warrant in the town of Orange for the tax year beginning April 1, 2000.

Adopted.

Report adopted and ordered to third reading.

**SB 421-FN-A**, establishing a child day care program credit against the business profits tax and the business enterprise tax. **REFER FOR INTERIM STUDY**

Rep. Charles L. Vaughn for Finance: Questions raised by a proposal — having state government subsidizing child care programs for business, large, medium or small, by tax reductions in their business profits tax and the business enterprise tax — engendered lengthy debate by the Finance Committee. The specter of socialism, unfair business competition, tax breaks to large corporations and supporters of laissez-faire, on the one side. Creation of incentives for private employers to subsidize costs of child care by providing tax credits; discussion of shortages of affordable, high-quality child care creating difficulties for working parents as well as employers; with suggestions of joint business/state cooperatives on the other. Both sides of the issue agreed that businesses, large and small, as well as child care advocates, should be engaged in a discussion of the availability and affordability of child care in New Hampshire. Vote 22-4.

Adopted.

**SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises. **OUGHT TO PASS**

Rep. Marjorie K. Smith for Finance: This bill attempts to correct an unintended and inequitable consequence of the passage of HB 32 by which the legislature gave the then-Commissioner of Health and Human Services unprecedented power to reorganize.

Despite the sunset provisions of HB 32 and the restoration of seniority rights to DHHS employees, 24 employees were moved to lower grades and, in part because of long service (averaging twenty-four years), their salaries were frozen. They have already missed the 5% pay raise in June, 1998 and the 3% raise in October, 1999 which every other employee, whether classified or unclassified, received. Indeed, Chapter Law 225:43 currently authorizes downgraded state employees to continue to receive cost of living increases. Nothing in their work histories or job evaluations suggest anything less than satisfactory work. A number of these workers have continued to do the same work they did before reclassification.

This bill would permit this limited number of employees who are still working at DHHS, but at the lower grade, to receive certain salaries and raises. The cost from June 1998 through FY 2001 is approximately \$173,000, about half of which represents federal funds. Vote 22-2.

Rep. Burling spoke against and yielded to questions.

Rep. Kurk spoke against.

The report failed.

### SUSPENSION OF RULES

Reps. Chandler and Burling moved that the Rules be so far suspended as to permit consideration of a non-germane amendment to **SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Adopted by the necessary two-thirds.

Rep. Kurk moved Ought to Pass with Amendment.

Rep. Burling offered a floor amendment.

### Floor Amendment (4588h)

Amend the title of the bill by replacing it with the following:

AN ACT clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; and making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001.

Amend the bill by replacing section 2 with the following:

2 Legislative Branch; Senate. Amend 1999, 159:1.01, 02, 01, 01 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
46 Consultants	33,000	33,000
Insert in place thereof:		
46 Consultants	333,000	33,000
Strike out:		
Total	1,347,509	1,369,735
Estimate source of funds for Senate		
General fund	1,347,509	1,369,735
Total	1,347,509	1,369,735
Insert in place thereof:		
Total	1,647,509	1,369,735
Estimated source of funds for Senate		
General fund	1,647,509	1,369,735
Total	1,647,509	1,369,735

3 Legislative Branch; House. Amend 1999, 159:1.01, 02, 01, 02 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
46 Consultants	2,000	2,000
Insert in place thereof:		
46 Consultants	302,000	2,000

Strike out:

Total	2,741,217	2,864,330
Estimated source of funds for House		
General fund	2,741,217	2,864,330
Total	2,741,217	2,864,330

Insert in place thereof:

Total	3,041,217	2,864,330
Estimated source of funds for House		
General fund	3,041,217	2,864,330
Total	3,041,217	2,864,330

4 Lapse Date. Legislative Branch Appropriations. Amend 1999, 159:1 by replacing the totals and estimated source of funds for legislative branch with the following:

	<u>FY 2000</u>	<u>FY 2001</u>
Total	11,513,802	10,587,326
Estimated source of funds for Legislative branch		
General fund	10,311,002	10,184,526
Other funds	1,202,800	402,800
Total	11,513,802	10,587,326

All funds appropriated to the legislative branch for fiscal year 2000 which would otherwise lapse on June 30, 2000 shall not lapse until June 30, 2001.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill clarifies that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

The bill also increases appropriations to the house and senate for consultants' fees and provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

Rep. Burling spoke in favor.

Adopted.

Ought to Pass with Amendment adopted and ordered to third reading.

**SB 323**, relative to ambulatory surgical facilities in service areas of rural hospitals. **OUGHT TO PASS WITH AMENDMENT**

Rep. James P. Pilliod for Health, Human Services and Elderly Affairs: SB 323 as amended pre-serves the House position on clarifying the determination of project costs and thresholds as well as the process of licensure of ambulatory surgical centers. Vote 12-6.

#### Amendment (4420h)

Amend the title of the bill by replacing it with the following:

**AN ACT** establishing a legislative oversight committee to review the procedures of the health services planning and review board.

Amend the bill by replacing all after the enacting clause with the following:

##### 1 Legislative Findings.

I. The regulatory structure for New Hampshire's health care delivery system was established within the Federal Health Service Act of 1974. The federal legislation was intended to stop unnecessary health facility construction and acquisition of expensive major medical equipment and was predicated on the idea that the most satisfactory means of controlling health care costs was the allocation of health care resources by government through a highly centralized health planning mechanism.

II. Although supporters of the program believed it helped curb rising health care expenditures, others opposed government intervention and control of supply as unnecessary. Critics prevailed during Congressional debate in 1986, when federal mandates for state health planning agencies were repealed. Since that time, 13 states (Arizona, California, Colorado, Idaho, Kansas, Minnesota, New Mexico, North Dakota, Pennsylvania, South Dakota, Texas, Utah, and Wyoming) have abolished

their health planning agencies all together. Recognizing the sweeping changes in the health care industry, several more states are considering similar action or, at the very least, liberalizing the requirements of these agencies, which, if they remain as originally charged, will become obsolete.

III. A highly regulated environment has evolved into a market-based means of controlling costs. Notably, the growth of managed care, restructured repayment mechanisms, and the rapid development of new medical techniques and innovations in medical technology exposed the inefficiencies inherent in centralized health care planning, which was unable to respond quickly to the changing needs of the health care system.

IV. The state of New Hampshire's health services planning and review board has substantive expertise in the health care services market. Decisions relative to health care services, the acquisition of medical technology, and the expansion of facilities have been carried out by the board with all due deliberation.

V. For reasons of maintaining the quality of certain health care services, to protect the role of certain institutions, whose importance to the statewide health care delivery system is essential, and to guard against the closing of important facilities and the transfer of services from facilities in a manner which is harmful to the public interests, the role of the health services planning and review board is valuable.

VI. Nevertheless, the general court remains concerned that the regulatory structure of the health services planning and review board, operating under its current rules of engagement, is not as adaptable as the rapidly changing world of medical technology, choice of health care services, and expansion of medical facilities dictates.

VII. Because it is essential that New Hampshire promote the greatest efficiency in the state's health care delivery system and because the structure of the current system remains protracted, the general court hereby establishes a joint committee on health care oversight.

2 New Section; Oversight Committee Established. Amend RSA 151-C by inserting after section 15 the following new section:

151-C:16 Legislative Oversight Committee Established; Duties.

I. There is hereby established a legislative oversight committee to review the policies and procedures of the board.

II. The committee shall consist of 6 members, 3 of whom shall be members of the house of representatives, appointed by the speaker of the house, and 3 of whom shall be senators appointed by the president of the senate. Members shall be appointed for their term of office. All members shall be eligible for reappointment so long as they are qualified under this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for an unexpired term within 30 days of the creation of such vacancy, and the initial appointments under this section shall be made within 30 days of the effective date of this section. The members shall choose from their number a chairperson, provided that the chair shall rotate biennially between the house and senate members. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall consider the need to review the policies and procedures of the board and shall make recommendations as it deems necessary. The committee may also investigate the possibility of requiring the executive branch to create an additional appeal mechanism.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a legislative oversight committee to review and make recommendations relative to the policies and procedures of the health services planning and review board.

This bill is a result of the committee established in 1999, 235.

Adopted.

Report adopted and ordered to third reading.

**SB 358**, relative to court reporting services. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Terri C. Dudley for the Majority of Judiciary: The committee felt that court reporters, as officers of the court, should be completely impartial and neutral. Court reporters who enter into exclusive contractual relationships with insurance companies could become partial or could be perceived to be partial. The committee felt that an affiliation arrangement with insurance compa-



nies should be prohibited. This will help to insure independence and balance in this aspect of the judicial process. No person or entity should control the process or should have a financial interest in the outcome. Vote 10-2.

Rep. Sandra B. Keans for the Minority of Judiciary: This bill appears to be a restraint of trade issue which does not safeguard against potential improprieties that proponents claim could happen. Court reporters have a code regulating behavior and are subject to sanctions if they're in violation. What it does do is restrict with whom a court reporter can sign a contract for employment. Is that the proper jurisdiction of the legislature?

Rep Keans spoke against.

Rep. Mock spoke in favor and yielded to questions.

Majority report adopted and ordered to third reading.

**SB 468**, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. **OUGHT TO PASS WITH AMENDMENT**

Rep. Tony F. Soltani for Judiciary: This bill establishes the family division of the courts as a permanent entity. The committee was impressed with the success of the pilot program in Rockingham and Grafton counties. However, the Senate bill eliminated certain requirements which were previously passed by the House; i.e. relative to the appointment of marital masters. The committee hopes to resolve the different versions of the bill in a committee of conference. Vote 9-3.

#### **Amendment (4434h)**

Amend RSA 490:35 as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. The governor shall nominate and the council shall confirm all new marital masters. The governor and council shall approve those seeking a renewed contract term and the terms and conditions of the marital master contract.

#### **AMENDED ANALYSIS**

This bill establishes a family division of the courts in Rockingham and Grafton counties and requires the supreme court to expand the family division to 2 other counties during the biennium beginning July 1, 2001. The bill also establishes a committee to study implementation of a state-wide family division.

The bill provides that family division matters arising in the towns of Deerfield, Northwood and Nottingham shall be heard in the Rockingham county courthouse in Brentwood. Currently, such matters arising in those towns are heard in the Auburn district court. The bill allows the supreme court to designate a location other than the Portsmouth district court within the Portsmouth or Hampton district for the hearing of family division matters.

This bill also establishes certain qualifications for marital masters selected to serve in the family division. The bill requires marital masters to be nominated by the governor and confirmed by the executive council. The bill also requires the governor and council to approve marital master contracts.

Rep. Mock spoke against.

The amendment failed.

The question now being the motion Ought to Pass.

Rep. Jacobson spoke against and yielded to questions.

Rep. Soltani spoke against.

Reps. John Pratt and Rowe spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

#### **YEAS 229 NAYS 44**

#### **YEAS 229**

#### **BELKNAP**

Bartlett, Gordon  
Pilliod, James  
Turner, Robert

Boriso, Thomas  
Rosen, Ralph  
Wendelboe, Francine

Holbrook, Robert  
Russell, David  
Wood, Jane

Millham, Alida  
Thomas, John

#### **CARROLL**

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Kenney, Joseph

Lyman, L Randy

**CHESHIRE**

Avery, Stephen  
 Doucette, Richard  
 Manning, Joseph  
 Pratt, Irene  
 Robertson, Timothy

Batchelder, Robert  
 Hunt, John  
 McGuirk, Paul  
 Pratt, John  
 Royce, H Charles

Blaisdell, Michael  
 Lynch, Margaret  
 Meader, David  
 Richardson, Barbara  
 Zerba, Roger

Burnham, Daniel  
 Lynott, Margaret  
 Mitchell, McKim  
 Roberts, William

**COOS**

Davis, Perley

Gallus, John

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
 Densmore, Jessica  
 Johnson, Gary  
 Solow, Martha

Alger, John  
 Guest, Robert  
 Marshall, Gene

Almy, Susan  
 Ham, Bonnie  
 Nordgren, Sharon

Copenhaver, Marion  
 Hinman, Harry  
 Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
 Arthur, Rose  
 Buckley, Raymond  
 Craig, James  
 Dokmo, Cynthia  
 Fenton, James  
 Franks, Suzan  
 Haettenschwiller, Alphonse  
 Jean, Loren  
 LaRose, Richard  
 Leonard, Peter  
 Martel, Andre  
 McGough, Tim  
 Messier, Irene  
 Mosher, William  
 Pappas, Marc  
 Sargent, Maxwell

Alukonis, David  
 Bergeron, Lucien  
 Calawa, Leon Jr  
 Curran, James  
 Drabinowicz, A Theresa  
 Fields, Dennis  
 Garrish, Linda  
 Hall, Betty  
 Keye, Harvey  
 Lasky, Bette  
 Lozeau, Donnalee  
 McCarty, Winston  
 Melcher, Harold  
 Milligan, Robert  
 Murphy, Robert  
 Reeves, Sandra  
 Thulander, O Alan

Andrews, Frederick  
 Brundige, Robert  
 Carlson, Donald  
 Daigle, Robert  
 Durham, Susan  
 Ford, Nancy  
 Ginsburg, Ruth  
 Herman, Richard  
 Konys, Christine  
 Lefebvre, Roland  
 Lynde, Harold  
 McColgan, Philip Jr  
 Mendenhall, Leslie  
 Moran, Edward  
 O'Connell, Timothy  
 Reidy, Frank  
 White, Donald

Arnold, Thomas Jr  
 Bruno, Pierre  
 Cote, Peter  
 Desmarais, Vivian  
 Dyer, Merton  
 Foster, Linda  
 Goulet, Maurice  
 Jean, Claudette  
 L'Heureux, Robert  
 Leishman, Peter  
 MacGillivray, Jeffrey  
 McDonough-Wallace, Alice  
 Mercer, Robert  
 Moriarty, Mary  
 O'Hearn, Jane  
 Rowe, Robert  
 White, John

**MERRIMACK**

Anderson, Eric  
 Chase, George  
 Fortnam, Janet  
 Leber, William  
 Owen, Derek  
 Seldin, Gloria  
 Wallner, Mary Jane

Asplund, Bronwyn  
 Daneault, Gabriel  
 French, Barbara  
 Lockwood, Priscilla  
 Potter, Frances  
 St Cyr, Gerard  
 Whalley, Michael

Bouchard, Candace  
 Davis, Francis  
 Hess, David  
 Marshall, Kenneth  
 Poulin, Dave  
 Virtue, Carolyn  
 Whittemore, James

Brewster, Richard  
 Feuerstein, Martin  
 Larrabee, David Sr  
 Moore, Carol  
 Rosenfield, Jay  
 Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
 Case, Margaret  
 Cox, Russell  
 Francoeur, Sheila  
 Hamel, Albert  
 Katsakiores, George  
 Lovejoy, Marian  
 Noyes, Richard  
 Priestley, Anne  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Welch, David

Arndt, Janet  
 Clark, Martha  
 DiFruscia, Anthony  
 Gibbons, Paul  
 Henderson, Warren  
 Katsakiores, Phyllis  
 Major, Norman  
 O'Neil, Michael  
 Quandt, Marshall  
 Splaine, James  
 Tufts, J Arthur  
 Weyler, Kenneth

Belanger, Ronald  
 Clark, Vivian  
 Flanagan, Natalie  
 Gleason, John  
 Hutchinson, Rebecca  
 Kobel, Rudolph  
 McKinney, Betsy  
 Packard, Sherman  
 Sabella, Norma  
 Stickney, Nancy  
 Weare, Everett  
 Zolla, William

Bishop, Franklin  
 Cooney, Richard  
 Flanders, John Sr  
 Griffer, Mary  
 Kane, Cecelia  
 Langley, Jane  
 Norelli, Terie  
 Pitts, Jacqueline  
 Shelton, Richard  
 Stone, Joseph  
 Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Smith, Marjorie  
Torr, Franklin  
Wall, Janet

Brennan, William  
Cossette, Larry  
Gilmore, Gary  
Knowles, William  
Snyder, Clair  
Twardus, Joseph  
Woods, Phyllis

Brown, George  
Domingo, Baldwin  
Johnson, Nancy  
Rogers, Rose Marie  
Spang, Judith  
Vachon, Dennis

Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
Rollo, Michael  
Taylor, Kathleen  
Vincent, Francis

**SULLIVAN**

Burling, Peter  
Leone, Richard

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Tuthill, John

Jones, Constance  
Young, David

**NAYS 44****BELKNAP**

Czech, Stanley

Johnson, James

**CARROLL**

Babson, David Jr

Dickinson, Howard

Howard, Godfrey

Sullivan, P Judith

**CHESHIRE**

Rose, William

**COOS**

Woodward, David

**GRAFTON**

Hall, David

Harmon, Hobart

Mirski, Paul

Ward, Brien

**HILLSBOROUGH**

Beaupre, Roland  
Gorman, Mary  
Kurk, Neal  
Simon, Anthony

Belvin, William  
Hansen, Herbert  
LaPorte, George  
Turgeon, Roland

Clegg, Robert Jr  
Hunter, Bruce  
Ouellette, Dean  
Vaillancourt, Steve

Daniels, Gary  
Johnson, Lionel  
Pepino, Leo

**MERRIMACK**

Jacobson, Alf

Kennedy, Richard

Marple, Richard

Soltani, Tony

**ROCKINGHAM**

Blanchard, MaryAnn  
Kelley, William  
Nowe, Ronald  
Varrell, Thomas

Flanders, David  
Letourneau, Robert  
Putnam, Ed II

Grant, Kenneth  
Mikowski, Walter  
Raynowska, Bernard

Johnson, Robert  
Nowe, Mary Lou  
Sapareto, Frank

**STRAFFORD**

None

**SULLIVAN**

None

and the report was adopted.

Ordered to third reading.

Rep. Dalianis declared a conflict of interest and did not participate.

**CLERK'S NOTE**

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**SB 132**, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael D. Whalley for the Majority of Resources, Recreation and Development: This bill, as amended, requires the commissioner of Resources and Economic Development and Commissioner of Safety to retain an independent, outside consultant with appropriate expertise to review the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower. The Commissioner of Resources and Economic Development and Commissioner of Safety shall report on any findings including any funding needs for any plan for removal or alteration to the tower on Mt. Kearsarge to the Senate President and Speaker of the House on or before November 1, 2001. The original bill required the Commissioner of Resources and Economic Development and the Commissioner of Safety to undertake a review of the tower on their own, with advice from an advisory committee made up of three members of the Senate, three members of the House and ten other members representing five surrounding towns, Merrimack County, the NH State Troopers Association, the NH Fish and Game Department, Save Our Mountain, and the NH Society for the Protection of Forests. Upon completion of their review, the commissioners would report any findings and recommendations for legislative action. To make certain that the study be done without prejudice, the committee amendment replaces the advisory committee with an independent, outside consultant who has the technical expertise, which the advisory committee would not have, to advise the state and the legislature on the issues revolving around the tower on Mount Kearsarge. Vote 13-3.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: In a straw poll of the committee, a majority supported an amendment to reinstate the original bill's public advisory committee to participate in this study process. Because of committee time constraints, this is now being offered as a minority amendment to the committee amendment. The minority amendment will allow for both the technical expertise and public involvement which should have been brought to bear in the approval of this tower to begin with. The due date of the report is extended to allow more time for the research and the advisory committee will also sunset on that date.

### **Majority Amendment (4363h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the commissioner of resources and economic development and commissioner of safety to retain a consultant to review of the requirements for public safety and quasi-public communications on the summit of Mount Kearsarge.

Amend the bill by replacing all after the enacting clause with the following:

1 Study by the Commissioner of Resources and Economic Development and Commissioner of Safety. The commissioner of resources and economic development and commissioner of safety shall retain a qualified, independent consultant to conduct a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower, including facilities on a location other than the current parcel of land where the tower is located. The consultant shall review, study and report to the commissioner of resources and economic development and commissioner of safety on whether communication needs for public health, safety, and emergency services can be provided with a less obtrusive and smaller tower than the existing 180-foot tower and what the costs and technical requirements would be for alternatives that would assure the same or similar level of service to both public safety officials and the general public. The fiscal committee of the general court shall approve funds not otherwise appropriated to cover the cost in assisting the commissioners in conducting the review and in hiring the consultant. The commissioner of resources and economic development and commissioner of safety shall report on any findings, including funding needs for any plan of removal or alteration, to the senate president and the speaker of the house on or before November 1, 2001.

2 Effective Date. This act shall take effect upon its passage.



### AMENDED ANALYSIS

This bill requires the commissioner of resources and economic development and commissioner of safety to undertake a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower. Adopted by the necessary two-thirds.

Rep. Spang offered the minority amendment.

#### Minority Amendment (4469h)

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the commissioner of resources and economic development and commissioner of safety to retain a consultant to review the requirements for public safety and quasi-public communications on the summit of Mount Kearsarge; and establishing an advisory committee regarding the review.

Amend the bill by replacing all after section 1 with the following:

2 Mount Kearsarge Telecommunications Tower Advisory Committee. There is established an advisory committee to advise and consult with the department of resources and economic development and department of safety as to a technical review of requirements for public safety and quasi-public safety communications on the summit of Mount Kearsarge, including possible alternatives to the existing 180-foot tower.

#### 3 Members and Compensation.

I. The members of the advisory committee shall be as follows:

- (a) Three members of the senate, appointed by the senate president.
- (b) Three members of the house of representatives, appointed by the speaker of the house.
- (c) One representative each from Warner, Sutton, Wilnot, Andover, and New London, appointed by the selectmen from each respective town.
- (d) One representative of Merrimack county, appointed by the county commissioners.
- (e) One representative of the New Hampshire State Troopers Association, appointed by the Association.
- (f) One representative of the department of fish and game, appointed by the executive director of fish and game.
- (g) One representative of Save Our Mountain, appointed by the organization.
- (h) One representative of the Society for the Protection of New Hampshire Forests, appointed by the organization.

II. Legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Chairperson; Quorum. The members of the advisory committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Eight members of the committee shall constitute a quorum.

5 Repeal. Sections 2-4 of this act, relative to the Mount Kearsarge telecommunications advisory committee, are repealed.

#### 6 Effective Date.

I. Section 5 of this act shall take effect November 1, 2001.

II. The remainder of this act shall take effect 30 days after its passage.

### AMENDED ANALYSIS

This bill requires the commissioner of resources and economic development and commissioner of safety to hire a consultant and to undertake a review of the technical requirements for public safety and quasi-public safety communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower. This bill establishes an advisory committee for the review.

Reps. Spang and Jacobson spoke in favor.

Reps. Royce and Whalley spoke against.

On a division vote, 123 members having voted in the affirmative and 142 in the negative, the minority amendment failed.

Rep Kurk offered a floor amendment.

**Floor Amendment (4541h)**

Amend the title of the bill by replacing it with the following:

**AN ACT** requiring the commissioner of resources and economic development and commissioner of safety to retain a consultant to review of the requirements for public safety and quasi-public communications on the summit of Mount Kearsarge.

Amend the bill by replacing all after the enacting clause with the following:

1 Study by the Commissioner of Resources and Economic Development and Commissioner of Safety. The commissioner of resources and economic development and commissioner of safety shall retain a qualified, independent consultant to conduct a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower, including facilities on a location other than the current parcel of land where the tower is located. The consultant shall review, study and report to the commissioner of resources and economic development and commissioner of safety on whether communication needs for public health, safety, and emergency services can be provided with a less obtrusive and smaller tower than the existing 180-foot tower and what the costs and technical requirements would be for alternatives that would assure the same or similar level of service to both public safety officials and the general public. The department of resources and economic development and the department of safety shall make transfers, pursuant to RSA 9:16-a, from within their existing budgets sufficient to cover the cost in assisting the commissioners in conducting the review and in hiring the consultant. The commissioner of resources and economic development and commissioner of safety shall report on any findings, including funding needs for any plan of removal or alteration, to the senate president and the speaker of the house on or before November 1, 2001.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires the commissioner of resources and economic development and commissioner of safety to undertake a review of the technical requirements for public safety and quasi-public communications on the summit of Mount Kearsarge and alternatives to the existing 180-foot tower. Rep. Kurk spoke in favor and yielded to questions.

Adopted by the necessary two thirds.

On a division vote, 243 members having voted in the affirmative and 21 in the negative, the report was adopted by the necessary two-thirds.

Ordered to third reading.

**SCR 6**, urging the President and Congress to address the challenge of high prescription medication prices. **WITHOUT RECOMMENDATION**

Rep. Tufts moved Ought to Pass with Amendment and offered a floor amendment.

**Floor Amendment (4464h)**

Amend the resolution by replacing the ninth paragraph after the title with the following:

Whereas, the federal government should aggressively recover any subsidies from pharmaceutical manufacturers; and

Amend the resolution by inserting after the tenth paragraph after the title the following new paragraph:

Whereas, current laws relative to the pharmaceutical industry need to be updated in an effort towards cost reduction of prescription medications; and

Rep. Quandt spoke in favor.

Adopted by the necessary two-thirds.

Rep. Franks requested a roll call; not sufficiently seconded.

Report adopted and ordered to third reading by the necessary two-thirds.

**SPECIAL ORDER**

**SB 459**, relative to underinsured motorists. **INEXPEDIENT TO LEGISLATE**

Rep. Griffin T. Dalianis for Commerce: The Committee found no evidence that consumers were disadvantaged in any way by the existing system. Even the proponents of this bill acknowledged that the problem, if it exists, is very rare, and the Committee felt that the solution proposed was worse than the problem. Vote 16-0.

Rep. Burling spoke against.

The report failed.

Rep. Hunt moved Ought to Pass with Amendment and offered a floor amendment.

### Floor Amendment (4605h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to uninsured or underinsured motorist insurance coverage.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Uninsured or Hit-and-Run Motor Vehicle Coverage; Waiver of Coverage.

Amend RSA 264:15 by inserting after paragraph IV the following new paragraph:

V. Every document tendered to settle a claim for bodily injury which may be the subject of coverage under this section shall prominently contain, in substance, the following language: "Warning – signing this document may affect your right to claim benefits under your uninsured or underinsured motorist coverage. Check with you own automobile insurance company or insurance agent before signing."

### AMENDED ANALYSIS

This bill requires a disclosure of the potential waiver of a motorist's claim benefits when settling automobile insurance claims for bodily injury.

Reps. Hunt and Burling spoke in favor.

Adopted by the necessary two-thirds.

Rep. Letourneau requested a roll call; not sufficiently seconded.

The report was adopted and ordered to third reading by the necessary two-thirds.

### REMOVED FROM THE TABLE

Rep. Patten moved that **HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Pending question: Refer for Interim Study)

Adopted by the necessary two-thirds.

### SUSPENSION OF RULES

Rep. Chandler moved that the Rules be so far suspended as to permit consideration of the Committee Report on House Bill 1625 after the deadline.

Adopted by the necessary two-thirds.

### CONSIDERATION OF HB 1625

**HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. REFER FOR INTERIM STUDY

Adopted by the necessary two-thirds.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 542-FN-A**, repealing the legacies and succession tax. (Amendment printed SJ 5/18/00)

Rep. McGuirk moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 733**, relative to a state master plan for the deployment of personal wireless service facilities. (Amendment printed SJ 5/18/00)

Rep. Bradley moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1240**, requiring insurers to make prompt payments. (Amendment printed SJ 5/18/00)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1251**, relative to driver education training reimbursement. (Amendment printed SJ 5/18/00)

Rep. Packard moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1308**, relative to nomination paper requirements. (Amendment printed SJ 5/18/00)

Rep. Arndt moved that the House concur and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1331**, relative to campaign contributions by corporations. (Amendment printed SJ 5/18/00)

Rep. Arndt moved that the House nonconcur.

Rep. Clegg spoke in favor.

Adopted by the necessary two-thirds.

## RESOLUTION

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 31, 2000 at 10:00 a.m.

Adopted by the necessary two-thirds.

## LATE SESSION

### Third reading and final passage

**SB 334**, relative to credit unemployment insurance.

**SB 469**, relative to mutual insurance holding companies.

**SB 445-FN**, relative to methadone maintenance treatment.

**SB 303**, relative to campaign contributions by business organizations.

**SB 458**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director.

**SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor.

**SB 206-FN-A-L**, relative to distribution of tobacco settlement funds.

**SB 379-FN**, relative to lottery scratch tickets.

**SB 397-A-L**, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

**SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

**SB 323**, relative to ambulatory surgical facilities in service areas of rural hospitals.

**SB 358**, relative to court reporting services.

**SB 468**, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county.

**SB 132**, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

**SCR 6**, urging the President and Congress to address the challenge of high prescription medication prices.

**SB 459**, relative to underinsured motorists.

## RECONSIDERATION

Having voted on the prevailing side, Rep. James Johnson moved that the House reconsider its action whereby it voted to Refer to Interim Study **SB 181-FN**, relative to the licensure of geologists.

Rep. Dickinson spoke against.

Rep. Wendelboe spoke in favor.

On a division vote, 145 members having voted in the affirmative and 115 in the negative, reconsideration failed lacking the necessary two-thirds.

## UNANIMOUS CONSENT

Reps. Burling, David Russell, Pepino and Lefebvre addressed the House.

Rep. Buckley moved that the poem read by Rep. Lefebvre be printed in the Journal.

Adopted by the necessary two thirds.



For our Golden Donna:

**Speaker**

Your loyalty, dedication, love and leadership  
Under unusual conditions of personal hardship  
Three roads divided –

never traveled together over rocks and grit;  
Self was forgotten whereas commander of this ship  
You endured demanding conditions of leadership;  
With humility and grace you did guide this ship  
With absolute confidence you held a firm grip.

That exemplified your heart, mind and spirit  
‘Twas your spirited being so preciously ingrained,  
That united us in a manner as never entertained.  
You have earned affection, love with those that served  
Wishing you could remain to continue to preserve  
Our state, our house, our love you so richly deserve  
The flame you sparked into our hearts  
Shall be preserved.

**RECESS MOTION**

Rep. Chandler moved that the House stand in recess for the purpose of receiving Senate messages, forming committees of conference, enrolled bill amendments and enrolled bill reports only.

Rep. Keans moved that the recess motion be amended to delete the reference to forming Committees of Conference and spoke in favor.

Rep. Lozeau spoke against.

Rep. Keith Herman requested a roll call; sufficiently seconded.

**YEAS 74 NAYS 188**

**YEAS 74**

**BELKNAP**

Millham, Alida

**CARROLL**

Dickinson, Howard

**CHESHIRE**

Burnham, Daniel  
Robertson, Timothy

Lynott, Margaret

Mitchell, McKim

Richardson, Barbara

**COOS**

None

**GRAFTON**

Copenhaver, Marion  
Nordgren, Sharon

Densmore, Jessica  
Solow, Martha

Guest, Robert

Johnson, Gary

**HILLSBOROUGH**

Arthur, Rose  
Drabinowicz, A Theresa  
Garrish, Linda  
Jean, Claudette  
Mendenhall, Leslie  
Simon, Anthony

Bergeron, Lucien  
Ford, Nancy  
Ginsburg, Ruth  
Keye, Harvey  
Messier, Irene  
Vaillancourt, Steve

Curran, James  
Foster, Linda  
Gorman, Mary  
McDonough-Wallace, Alice  
Moriarty, Mary  
White, John

Daigle, Robert  
Franks, Suzan  
Hall, Betty  
Melcher, Harold  
Reidy, Frank

**MERRIMACK**

Bouchard, Candace  
Lockwood, Priscilla  
Poulin, Dave  
Wallin, Jean

Chase, George  
Moore, Carol  
Rosenfield, Jay  
Wallner, Mary Jane

Daneault, Gabriel  
Owen, Derek  
Seldin, Gloria  
Whittemore, James

French, Barbara  
Potter, Frances  
Virtue, Carolyn

**ROCKINGHAM**

Abbott, Dennis  
Langley, Jane

Blanchard, MaryAnn  
Sabella, Norma

Clark, Martha  
Sapareto, Frank

Hutchinson, Rebecca

**STRAFFORD**

Brennan, William  
Estabrook, Iris  
Smith, Marjorie  
Vachon, Dennis

Brown, Julie  
Keans, Sandra  
Snyder, Clair

Callaghan, Frank  
Rogers, Rose Marie  
Taylor, Kathleen

Dunlap, Patricia  
Rollo, Michael  
Twardus, Joseph

**SULLIVAN**

Donovan, Thomas Jr

Phiniza, James

Tuthill, John

**NAYS 188****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Thomas, John

Boriso, Thomas  
Pilliod, James  
Turner, Robert

Czech, Stanley  
Rosen, Ralph  
Wendelboe, Francine

Holbrook, Robert  
Russell, David  
Wood, Jane

**CARROLL**

Babson, David Jr  
Kenney, Joseph  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Pratt, Irene  
Royce, H Charles

Batchelder, Robert  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Blaisdell, Michael  
McGuirk, Paul  
Roberts, William

Doucette, Richard  
Meader, David  
Rose, William

**COOS**

Davis, Perley  
Tholl, John Jr

Gallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Ham, Bonnie  
Mirski, Paul

Alger, John  
Harmon, Hobart  
Phinney, William

Almy, Susan  
Hinman, Harry  
Ward, Brien

Hall, David  
Marshall, Gene

**HILLSBOROUGH**

Ahern, Richard  
Beaupre, Roland  
Buckley, Raymond  
Cote, Peter  
Desmarais, Vivian  
Fenton, James  
Hansen, Herbert  
Jean, Loren  
L'Heureux, Robert  
Leonard, Peter  
Martel, Andre  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Thulander, O Alan

Alukonis, David  
Belvin, William  
Calawa, Leon Jr  
Craig, James  
Dokmo, Cynthia  
Fields, Dennis  
Herman, Keith  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
McCarty, Winston  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Turgeon, Roland

Andrews, Frederick  
Brundige, Robert  
Carlson, Donald  
Dalianis, Griffin  
Durham, Susan  
Goulet, Maurice  
Herman, Richard  
Konys, Christine  
Lefebvre, Roland  
Lynde, Harold  
McColgan, Philip Jr  
Moran, Edward  
O'Hearn, Jane  
Rowe, Robert  
White, Donald

Arnold, Thomas Jr  
Bruno, Pierre  
Clegg, Robert Jr  
Daniels, Gary  
Dyer, Merton  
Haettenschwiller, Alphonse  
Hunter, Bruce  
Kurk, Neal  
Leishman, Peter  
MacGillivray, Jeffrey  
McGough, Tim  
Mosher, William  
Ouellette, Dean  
Sargent, Maxwell

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Davis, Francis
Feuerstein, Martin	Fortnam, Janet	Hess, David	Kennedy, Richard
Larrabee, David Sr	Leber, William	Marple, Richard	Marshall, Kenneth
St Cyr, Gerard	Whalley, Michael		

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Cox, Russell	DiFruscia, Anthony
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Shelton, Richard	Splaine, James	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Zolla, William

**STRAFFORD**

Brown, George	Cossette, Larry	Domingo, Baldwin	Johnson, Nancy
Kaen, Naida	Knowles, William	Spang, Judith	Torr, Franklin
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Burling, Peter	Cloutier, John	Jones, Constance	Leone, Richard
Young, David			

and the motion to amend the recess motion failed.

The question now being the adoption of the recess motion as offered by Rep. Chandler.

Adopted by the necessary two-thirds.

The House recessed at 7:20 p.m.

**RECESS****(Rep Clegg in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Joint Resolution 22, House Bills 312, 427, 522, 1102, 1107, 1130, 1195, 1209, 1244, 1335, 1338, 1457, 1467, 1468 and 1562 and Senate Bills 315 and 360.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**SENATE MESSAGES****CONCURRENCES**

**HB 405-FN**, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.

**HB 1210-L**, relative to capital reserve funds.

**HB 1216**, relative to petitions for warrant articles.

**HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

**HB 1592**, relative to the display of the United States flag.

**HJR 26**, a resolution urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas.

**NONCONCURRENCE**

**HB 1144-L**, establishing a committee to study the exemption from property taxes for not-for-profit hospitals.

**HB 1224**, relative to the process for nonrenewal of teacher contracts.

**HB 1470**, relative to divestiture of electric utility assets.

**CACR 2**, relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Leber, McCarty, Cloutier and Alukonis.

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Calawa, McCarty, White-Bouchard and Major.

**HB 648-FN**, relative to a sludge testing program. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Leishman, Messier, Betty Hall and Almy.

**HB 1329**, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee. (Amendment printed SJ 5/11/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Arnold, Bradley, Bergeron and Lynde.

**HB 1418-FN-L**, relative to mercury-containing products. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Scanlan, Melcher, Messier and Lynde.

**HB 1471**, relative to the department of employment security's power to approve building projects. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Calawa, Cloutier, Daigle and Leber.

**HB 1521**, relative to the definition and administration of an adequate education. (Amendment printed SJ 5/18/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. O'Hearn, Ward, Hoadley and Henderson.

**HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. (Amendment printed SJ 5/11/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Major, Bradley, Thomas and Naida Kaen.

**HB 1569-FN**, requiring the department of environmental services to propose a voluntary testing program of public water supplies of methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. (Amendment printed SJ 5/11/00)

Rep. Letourneau moved that the House nonconcur and request a Committee of Conference. Adopted.

The Chair appointed Reps. Maxfield, Norelli, MacGillivray and Almy.

### RECESS

(Rep. Letourneau in the Chair)

### SENATE MESSAGES

### CONCURRENCES

**HB 1139**, establishing a committee to study involuntary emergency admission hearings.

**HB 1250**, allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.



**HB 1319**, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study.

**HB 1369-FN-L**, clarifying authority to regulate asbestos.

**HB 1438-FN**, relative to transportation of children for involuntary emergency admissions.

**HB 1582**, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

**HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss.

**HB 1627**, relative to the exchange of certain land in the town of Rindge.

**HJR 20**, a resolution urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims.

**HCR 35**, a resolution urging the United the States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

## NONCONCURRENCES

**HB 1506**, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C.

## RECESS

(Rep. Clegg in the Chair)

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Amendment printed SJ 5/18/00)  
Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Mock, Loren Jean, Craig and Woods.

**HB 690-FN-L**, relative to charter schools and open enrollment districts. (Amendment printed SJ 2/10/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Durham, Alger, Cox and Hunt.

**HB 725-L**, relative to rulemaking under the administrative procedures act. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Dickinson, Dyer, Torr and Virtue.

**HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Daniels, Clegg, Wall and Jane Kelley.

**HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study. (Amendment printed SJ 5/11/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Thomas, Gilmore, Anderson and Major.

**HB 1573**, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Chair appointed Reps. Holbrook, Vivian Clark, Robert Johnson and Dwyer.

**HB 1589**, prohibiting the use of genetic testing for certain insurance policies. (Amendment printed SJ 5/18/00)

Rep. Konys moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Chair appointed Reps. Hunt, Francoeur, Kurk and Crosby.

### NONCONCURRENCE

**HB 1241**, relative to third person liability under the workers' compensation law.

**HB 1342**, directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge.

### CONCURRENCE WITH AMENDMENT

**SB 401-FN-A-L**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor.

### RECESS

(Speaker Sytek in the Chair)

### SENATE MESSAGE

### NONCONCURS WITH AMENDMENT

### REQUESTS COMMITTEE OF CONFERENCE

**SB 472**, relative to final authorization of electric rate reduction financing and commission action.  
The President appointed Sens. Frederick King, Below and Hollingworth.

Rep. Bradley moved that the House accede.

Adopted.

The Speaker appointed Reps. Bradley, Guay, Norelli and MacGillivray. (Alternates: Reps. Naida Kaen and Maxfield)

### RECESS

(Rep. Clegg in the Chair)

### SENATE MESSAGE

### CONCURRENCE

**HB 1177**, relative to the effective date of legislation establishing a chartered or statutory legislative committee.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1202**, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference  
Adopted.

The Chair appointed Reps. Kurk, Alukonis, Vaughn and Clegg.

**HB 1463**, making technical corrections related to the mental health system and guardianship hearings. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference  
Adopted.

The Chair appointed Reps. Dowling, Richardson, Arnold and Thulander.

**HB 1563-FN-L**, establishing the Wolfeboro Airport Authority. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference  
Adopted.

The Chair appointed Reps. Hess, Patten, Bradley and Simon.

**HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference Adopted.

The Chair appointed Reps. Mock, Rowe, Dokmo and Mitchell.

**HB 1622-L**, eliminating the requirement that a deputy town clerk have his or her domicile within the town. (Amendment printed SJ 5/18/00)

Rep. Emerton moved that the House nonconcur and request a Committee of Conference Adopted.

The Chair appointed Reps. Patten, Griffin, Simon and Lockwood.

## RECESS

(Speaker Sytek in the Chair)

## SENATE MESSAGES

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 618-FN-A**, establishing a voucher program for smoking cessation. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Emerton, Batula, Haettenschwiler and Wendelboe.

**HB 628**, relative to the relocation of the principal residence of a child. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Dowling, Moran, Jones and Ginsburg.

**HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Calawa, McCarty, Morse and Ahern.

**HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Bradley, Thomas, Lynde and Norelli.

**HB 1464**, relative to the licensing process for new health care facility construction. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Emerton, Batula, Pilliod and Donovan.

**HB 1579-FN**, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Hunt, Francoeur, Kurk and Taylor.

**HB 1611**, recodifying the state's DWI laws. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Reps. Christie, Welch, Avery and Hunt.

**HB 1620-FN**, relative to driver record information. (Amendment printed SJ 5/18/00)  
Rep. Buckley moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Packard, Letourneau, Hunt and Kurk.

**HB 2000-FN-L**, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. (Amendment printed SJ 5/18/00)

Rep. Buckley moved that the House nonconcur and request a Committee of Conference.  
Adopted.

The Speaker appointed Reps. Calawa, McCarty, Daigle and Alukonis.

## RECESS

(Rep. Clegg in the Chair)

## ENROLLED BILL AMENDMENTS

**SJR 1**, concerning the status of the White Mountain National Forest within the US. Forest Service's forest management plan. (Amendment printed SJ 5/18/00)

Adopted.

**SB 318-FN**, relative to proposed joint maintenance agreements. (Amendment printed Js 5/18/00)  
Adopted.

## RECESS

(Rep. Letourneau in the Chair)

## SENATE MESSAGES

### NONCONCURS WITH AMENDMENTS

### REQUESTS COMMITTEE OF CONFERENCE

**SB 132**, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

The President appointed Sens. Below, Trombly and Krueger.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Royce, Whalley, Downing and Cooney.

**SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission.

The President appointed Sens. Cohen, Larsen and Francoeur.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Goulet, Stickney, Millham and Murphy.

**SB 303**, relative to campaign contributions by business organizations.

The President appointed Sens. Trombly, Below and Krueger.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Clegg, Arndt, Reeves and Buckley.

**SB 326**, relative to the joint health council.

The President appointed Sens. Squires, Wheeler and Krueger.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Goulet, Stickney, Holley and Murphy.

**SB 436-FN**, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.



The President appointed Sens. Trombly, Brown and Pignatelli.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Christie, Welch, Tholl and Knowles.

**SB 439-FN**, relative to motor vehicle offenses resulting in serious bodily injury.

The President appointed Sens. Gordon, Trombly and Pignatelli.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Christie, Welch, Knowles and Packard.

**SB 470**, relative to the administrative authority of the board of trustees for the regional community-technical colleges.

The President appointed Sens. McCarley, D'Allesandro and Johnson.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. O'Hearn, Henderson, Larrabee and John White.

**SB 471**, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

The President appointed Sens. Trombly, Cohen and Roberge.

Rep. Whalley moved that the House accede.

Adopted.

The Chair appointed Reps. Patten, Griffin, Leone and Simon.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1504**, relative to submission of biennial budget estimates by agencies. (Amendment printed SJ 5/23/00)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Kurk, Clegg, Thulander and Knowles.

**HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits. (Amendment printed SJ 5/18/00)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Goulet, Millham, Stickney and Murphy.

**HB 1621-FN**, allowing administrative home confinement for habitual offenders. (Amendment printed SJ 5/23/00)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Chair appointed Reps. Christie, Welch, Knowles and Rodd.

### RECESS

(Rep. Welch in the Chair)

### SENATE MESSAGES

#### NONCONCURS WITH AMENDMENTS

#### REQUESTS COMMITTEE OF CONFERENCE

**SB 323**, relative to ambulatory surgical facilities in service areas of rural hospitals.

The President appointed Sens. Squires, McCarley and Wheeler.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Emerton, Wendelboe, Batula and Donovan.

**SB 353**, relative to sales of insurance by financial institutions.  
The President appointed Sens. Fraser, McCarley and Wheeler.  
Rep. Christie moved that the House accede.  
Adopted.

The Chair appointed Reps. Hunt, Francoeur, Kurk and Taylor.

**SB 448**, establishing a guardians ad litem board.  
The President appointed Sens. Pignatelli, Gordon and Trombly.  
Rep. Christie moved that the House accede.  
Adopted.

The Chair appointed Reps. Bickford, Martel, Moran and Almy.

**SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

The President appointed Sens. Squires, Below and Larsen.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Kurk, Clegg, Thulander and Knowles.

**SCR 6**, urging the President and Congress to address the challenge of high prescription medication prices.

The President appointed Sens. Wheeler, Klemm and Hollingworth.

Rep. Christie moved that the House accede.

Adopted.

The Chair appointed Reps. Fields, Quandt, McDonough-Wallace and Priestley.

## RECESS

(Rep. Clegg in the Chair)

## SENATE MESSAGES

### ACCEDES TO REQUESTS FOR COMMITTEES OF CONFERENCE

**HB 226-L**, establishing municipality bond payment schedules and percentages.

The President appointed Sens. Fraser, Wheeler and Klemm.

**HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission,

The President appointed Sens. Squires, Trombly and Gordon.

**HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor.

The President appointed Sens. Larsen, McCarley and Squires.

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.

The President appointed Sens. Larsen, John King and Senator Russman.

**HB 505-FN**, establishing a special license plate for veterans.

The President appointed Sens. Gordon, Roberge and Below.

**HB 618-FN-A**, establishing a voucher program for smoking cessation.

The President appointed Sens. Squires, Fernald and Wheeler.

**HB 628**, relative to the relocation of the principal residence of a child.

The President appointed Sens. Squires, Gordon and Klemm.

**HB 648-FN**, relative to a sludge testing program.

The President appointed Sens. Cohen, Wheeler and Brown.

**HB 690-FN-L**, relative to charter schools and open enrollment districts.

The President appointed Sens. McCarley, Johnson and Disnard.

**HB 713-FN**, relative to penalties for multiple DWI offenses.

The President appointed Sens. Brown, Trombly and Squires.

**HB 725**, relative to rulemaking under the administrative procedures act.

The President appointed Sens. Larsen, D'Allesandro and Klemm.

**HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority.

The President appointed Sens. Russman, Pignatelli and Below.

**HB 1188-FN-L**, relative to alternative kindergarten programs.

The President appointed Sens. McCarley, Below and Gordon.

**HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

The President appointed Sens. Wheeler, McCarley and Fraser.

**HB 1202-L**, making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.

The President appointed Sens. Below, Fraser and McCarley.

**HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth.

The President appointed Sens. Frederick King, Hollingworth and Cohen.

**HB 1329**, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

The President appointed Sens. Below, Fraser and Frederick King.

**HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

The President appointed Sens. Disnard, Johnson and Frederick King.

**HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

The President appointed Sens. Below, Russman and Wheeler.

**HB 1418-FN-L**, relative to mercury-containing products.

The President appointed Sens. Wheeler, Below and Russman.

**HB 1463**, making technical corrections related to the mental health system and guardianship hearings.

The President appointed Sens. Wheeler, Trombly and McCarley.

**HB 1464**, relative to the licensing process for new health care facility construction.

The President appointed Sens. Squires, McCarley and Wheeler.

**HB 1471**, relative to the department of employment security's power to approve building projects.

The President appointed Sens. D'Allesandro, Larsen and Gordon.

**HB 1504**, relative to submission of biennial budget estimates by agencies.

The President appointed Sens. Frederick King, Below and McCarley.

**HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits.

The President appointed Sens. Frederick King, Below and McCarley.

**HB 1521-FN-L**, relative to the definition and administration of an adequate education.

The President appointed Sens. McCarley, D'Allesandro and Larsen.

**HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor.

The President appointed Sens. D'Allesandro, Below and Frederick King.

**HB 1563-FN-L**, establishing the Wolfeboro Airport Authority.

The President appointed Sens. Gordon, Roberge and Trombly.

**HB 1569-FN**, requiring the department of environmental services to propose a voluntary testing program of public supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.

The President appointed Sens. Wheeler, Below and Cohen.

**HB 1570-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire.

The President appointed Sens. Brown, Cohen and Trombly.

**HB 1571**, relative to claims arising from clinical services provided to the department of corrections.

The President appointed Sens. Squires, Wheeler and Krueger.

**HB 1573-FN**, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.

The President appointed Sens. Frederick King, Larsen and Gordon.

**HB 1579-FN**, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

The President appointed Sens. Fraser, Klemm and Wheeler.

**HB 1589**, prohibiting the use of genetic testing for certain insurance policies.

The President appointed Sens. Wheeler, McCarley and Fraser.

**HB 1611**, recodifying the state's DWI laws.

The President appointed Sens. Gordon, Pignatelli and Squires.

**HB 1617-FN**, relative to suspension of a driver's license for sufficient cause.

The President appointed Sens. Gordon, Trombly and Russman.

**HB 1620-FN**, relative to driver record information.

The President appointed Sens. Gordon, Below and Roberge.

**HB 1621**, allowing administrative home confinement for habitual offenders.

The President appointed Sens. Pignatelli, Trombly and Brown.

**HB 1622-L**, eliminating the requirement that a deputy town clerk have his or her domicile within the town.

The President appointed Sens. Trombly, Disnard and Roberge.

**HB 2000-FN-L**, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

The President appointed Sens. Gordon, Pignatelli, Below.

### ENROLLED BILL AMENDMENTS

**HB 304**, relative to school employee and volunteer background investigations.

#### Amendment (4616-EBA)

Amend section 2 of the bill by replacing lines 5-7 with the following:

*RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, I(b), II, or III; 645:2; 649-A:3; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this*  
Adopted.

**HB 1210-L**, relative to capital reserve funds.

#### Amendment (4619-EBA)

Amend RSA 34:3, I as inserted by section 3 of the bill by replacing line 3 with the following:  
*for charitable purposes*, within the limits as provided in RSA 34:4.

Adopted.

**HB 1424**, relative to reevaluation of a person's competency to stand trial.

#### Amendment (4623-EBA)

Amend RSA 135:17-a, V as inserted by section 2 of the bill by replacing line 2 with the following:  
court determines that he or she is dangerous to himself or herself or others, the court shall order the

Adopted.

**HB 1431**, relative to protective orders in domestic violence cases.

#### Amendment (4614-EBA)

Amend section 1 of the bill by replacing lines 7 and 8 with the following:

petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may

Adopted.

**HB 1582**, establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.



**Amendment (4633-EBA)**

Amend section 3 of the bill by replacing line 3 with the following:

(a) Examine employment and workplace policies of small businesses which enable Adopted.

**HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.

**Amendment (4632-EBA)**

Amend the resolution by replacing line 14 with the following:

representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under Adopted.

**HCR 35**, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards.

**Amendment (4629-EBA)**

Amend the first paragraph after the resolving clause of the resolution by replacing line 4 with the following:

of public protection at reasonable cost to our small cider makers; and Adopted.

**RECESS**

**(Rep. Whalley in the Chair)**

**SENATE MESSAGES****REFERRED FOR INTERIM STUDY**

**HB 1239**, relative to durable powers of attorney.

**HB 1270-FN-L**, relative to charters schools and open enrollment districts.

**HB 1531**, relative to preemption of local regulation of firearms.

**NONCONCURRENCE**

**HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board.

**CONCURRENCE WITH AMENDMENTS**

**SB 97**, relative to charitable trusts which are institutional funds.

**SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor.

**SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work.

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.

**SB 302**, relative to certain employment requirements for liquor licensees.

**SB 308**, relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts.

**SB 324**, relative to personal care services and providers.

**SB 328**, making corrections to statutory references in certain fish and game laws.

**SB 330**, establishing a committee to study the impact of water withdrawals on instream flows and the impact of instream flow rules on entities that withdraw water or are affected by instream flows.

**SB 338**, relative to trustee process.

**SB 349**, relative to the sale of the marital residence in a domestic proceeding.

**SB 363**, relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses.

**SB 368**, relative to insurance fraud.

**SB 375**, relative to motor vehicle dealerships.

**SB 378**, relative to Article 9 of the Uniform Commercial Code.

**SB 383**, requiring the department of health and human services and insurers to make prompt payments.  
**SB 389-FN**, relative to medical benefits for group II members of the retirement system.

**SB 393**, relative to single producer licensing.

**SB 397-FN-A-L**, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange.

**SB 409-FN**, relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.

**SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault.

**SB 415-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system.

**SB 419-FN**, establishing the crime of negligent storage of a firearm.

**SB 422**, relative to the housing security guarantee loan program.

**SB 424**, relative to controlled substances used for pain management.

**SB 428-FN-A**, relative to the health care fund.

**SB 445-FN**, relative to methadone maintenance treatment.

**SB 446**, relative to the integration of information technology at the state, county and municipal levels.

**SB 450-FN**, prohibiting the importation of tobacco products that violate federal law.

**SB 459**, relative to uninsured or underinsured motorist insurance coverage.

**SB 464**, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction.

## RECESS

(Rep. Fields in the Chair)

## ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Joint Resolution 26, House Bills 405, 521, 683, 1124, 1145, 1165, 1183, 1216, 1294, 1316, 1343, 1541, 1592, 1606 and 1607, and Senate Bills 316, 332, 367, 392, 453 and 467.

Rep. Lozeau, Sen. D'Allesandro for the Committee

## RECESS

(Rep. Keith Herman in the Chair)

## ENROLLED BILL AMENDMENTS

**SB 334**, relative to credit unemployment insurance. (Amendment printed SJ 5/18/00)  
 Adopted.

**SB 401, FN-A-L**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. (Amendment printed SJ 5/18/00)

Adopted.

**SB 458**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. (Amendment printed SJ 5/18/00)

Adopted.

**SB 468**, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. (Amendment printed SJ 5/18/00)

Adopted.

**SB 469**, relative to mutual insurance holding companies. (Amendment printed SJ 5/18/00)  
 Adopted.

**HB 733**, relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.

## Amendment (4640-EBA)

Amend section 1 of the bill by replacing line 2 with the following:  
 after chapter 12-I the following new chapter:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency; Renumbering of RSA Chapter. If HB 1606-FN of the 2000 session becomes law, then RSA 12-J:1 – RSA 12-J:9 as inserted by section 1 of the bill, and any references to sections of RSA 12-J in the bill, shall be renumbered to read as RSA 12-K:1 – RSA 12-K:9, respectively. Adopted.

**HB 1369-FN-L**, clarifying authority to regulate asbestos.

#### **Amendment (4690-EBA)**

Amend RSA 141-E:3, II (g) as inserted by section 1 of the bill by replacing line 2 with the following:

with the measures established under subparagraph (f)(1). The program shall include, but not be Adopted.

**HB 1377**, prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.

#### **Amendment (4683-EBA)**

Amend RSA 326-B:10-a, III as inserted by section 2 of the bill by replacing it with the following:

III. The duties of the joint health council shall include, but not be limited to, *determining the type of A.R.N.P. formulary, exclusionary, inclusionary, or other, and* adding or altering the list of controlled and noncontrolled molecular entities on the A.R.N.P. formulary. Decisions on such additions or alterations shall be rendered within 3 months of initial consideration by the council unless there is a request for additional scientific information. Appeals of decisions of the council shall be submitted to the council in writing for further deliberation by the council. The A.R.N.P. formulary shall be updated at least annually and shall be available in paper and electronic format from the board of nursing, the board of medicine, and the board of pharmacy.

Adopted.

### **RECESS**

**(Rep. Keith Herman in the Chair)**

#### **ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Joint Resolutions 20, 21 and 24, House Bills 304, 542, 1139, 1146, 1177, 1210, 1242, 1250, 1251, 1308, 1309, 1319, 1424, 1431, 1438, 1448, 1582, 1602 and 1627, Senate Joint Resolution 1 and Senate Bills 206, 310, 318, 358 and 379.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### **RECESS**

**(Speaker Sytek in the Chair)**

#### **CONFEREE CHANGES**

**HB 628**, relative to the relocation of the principal residence of a child.

Rep. Arnold replaced Rep. Jones.

**HB 725**, relative to rulemaking under the administrative procedures act.

Rep. O'Neil replaced Rep. Dyer

**HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.

Rep. Maxfield replaced Rep. Lynde.

**HB 1471**, relative to the department of employment security's power to approve building projects.

Rep. McCarty replaced Rep. Daigle.

**SCR 6**, urging the President and Congress to address the challenge of high prescription medication prices.

Rep. Tufts replaced Rep. Quandt.

### **RECESS**

**(Speaker Sytek in the Chair)**

Rep. Burling moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 18**

Wednesday, May 31, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, lover of all, we remember before You the men and women of our country whose lives with family, friends, and neighbors were interrupted by a call to arms. We do not know all their names, nor can we now behold their faces, yet we are the inheritors of their sacrifice as we enjoy the liberty and freedom of our beloved democracy. Bless the work and decisions of this hallowed chamber, made sacred by the honor of those who gave their lives defending what we do here today, and may we not rest until all the citizens of New Hampshire share the benefits of true freedom and gladly accept its disciplines. Amen.

Rep. Wiggins led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Patricia Cote, Dawe, L'Heureux, Nichols, Perkins, Ronald Russell, Searles, Schanda and Vincent, the day, illness.

Reps. Akins, Burkush, Crosby, Dearborn, DeChane, Flint, Glines, Howard, Jones, Lundborn, Martin, Mears, Musler, Owen, Pantelakos, Salatiello and Tholl, the day, important business.

**INTRODUCTION OF GUESTS**

Mimi Gaudreau, guest of Rep. Almy. Barbara Brewster and Audry Sheaffer, wife and guest of Rep. Brewster. Velda Ruffner, wife of Rep. Ruffner. Kathryn Rogers and Mary Ann Cooper, mother-in-law and guest of Rep. Phyllis Woods. Mary Allen, guest of the Kingston Delegation. Lynda Hunt, wife of Rep. Hunt. Melissa Dingley, guest of Rep. Babson. Hilda Sokol and Bernie Benn, guests of the Hanover/Lyme Delegation. Isaac Hall, guest of Rep. Avery. Donna Rush, guest of Rep. Fortnam.

**SPECIAL GUESTS**

The Manchester Central High School Boys' Varsity Championship Class L Basketball team, guests of the House.

The members of the Rochester Cathedral Boys' Choir from Rochester, England who performed for the House, guests of the House.

**CLERK'S NOTE**

When less than a two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

**CONSENT CALENDAR****COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS**

Rep. Chandler moved that the Consent Calendar of Committee of Conference Reports on Senate Bills, as printed and distributed, be adopted.

**SB 132**, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge, removed by Rep. Rosenfield.

**SCR 6**, urging the President and Congress to address the challenge of high prescription medication prices, removed by Rep. Chandler.

Consent Calendar adopted by the necessary two-thirds.

**COMMITTEE OF CONFERENCE REPORT ON SB 135**

Committee of Conference Report on SB 135-FN, an act relative to water supply land protection grants. Recommendation:



That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Russman, Dist. 19; Johnson, Dist. 3 and Pignatelli, Dist. 13.

Conferees: Reps. Royce, Ches. 9; Whalley, Merr. 5; Downing, Rock. 26 and Stone, Rock. 7.

### COMMITTEE OF CONFERENCE REPORT ON SB 226

Committee of Conference Report on SB 226-FN, an act relative to the real estate practice act and the powers and duties of the real estate commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 331-A:10 as inserted by section 4 of the bill by replacing it with the following:

331-A:10 Qualifications For Licensure. The executive director shall issue a license to any applicant who:

I. Has attained the age of ~~[majority]~~ **18, if a salesperson applicant.**

II. Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The executive director shall only accept for registration to take the examination for a broker's license, an applicant who **shows proof of completion of 60 hours of approved study and who:**

(a) Has been employed full time by an active broker for at least one year; or

(b) Has at least 2,000 part-time hours as a licensed salesperson in this state; or

(c) Proves to the commission that the applicant has experience equivalent to the experience required by subparagraph (a) or (b).

III. Demonstrates no record of unprofessional conduct.

IV. Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness and integrity.

V. For ~~[an individual]~~ **a broker** ~~[license including]~~ **acting as** a principal broker or a managing broker, but excluding **associate brokers or** a corporation, partnership, **limited liability company**, or association, files a surety bond with the commission which shall be held in accordance with RSA ~~[331-A:13]~~ **331-A:14.**

Conferees: Sens. Cohen, Dist. 24; Larsen, Dist. 15 and Francoeur, Dist. 14.

Conferees: Reps. Goulet, Hills. 15; Stickney, Rock. 26; Millham, Belk. 4 and Murphy, Hills. 42.

### COMMITTEE OF CONFERENCE REPORT ON SB 326

Committee of Conference Report on SB 326, an act relative to the joint health council.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Squires, Dist. 12; Wheeler, Dist. 21 and Krueger, Dist. 16.

Conferees: Reps. Goulet, Hills. 15; Stickney, Rock. 26; Holley, Hills. 28 and Murphy, Hills. 42.

### COMMITTEE OF CONFERENCE REPORT ON SB 353

Committee of Conference Report on SB 353, an act relative to sales of insurance by financial institutions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after section 11 the following and renumbering the original sections 12-13 to read as 13-14, respectively:

12 Rules and Regulations. Amend RSA 400-A:15, I to read as follows:

I. The commissioner shall have full power and authority to make, promulgate, amend and rescind reasonable rules and regulations for, or as an aid to, the administration or effectuation of

any provision or provisions of this title *or of the Gramm-Leach-Bliley Act of 1999 (public law 106-102) which relate to insurance* and such other rules and regulations as are reasonably necessary to implement [the] *such* provisions [of this title].

Conferees: Sens. Fraser, Dist. 4; McCarley, Dist. 6 and Wheeler, Dist. 21.

Conferees: Reps. Hunt, Ches. 10; Francoeur, Rock. 22; Kurk, Hills. 5 and Taylor, Straf. 11.

### COMMITTEE OF CONFERENCE REPORT ON SB 431

Committee of Conference Report on SB 431, an act relative to certain secondary vocational education programs.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 188-E:13 as inserted by section 1 of the bill by replacing it with the following:

188-E:13 Legislative Membership on Youth Council. The following legislative members shall be appointed to the youth council which has been established as a subgroup within the workforce opportunity council formed by the governor pursuant to the Workforce Investment Act of 1998:

I. Two members of the house of representatives, one of whom shall serve as an alternate, appointed by the governor.

II. Two members of the senate, one of whom shall serve as an alternate, appointed by the governor.

Amend the bill by replacing section 2 with the following:

2 Membership on Workforce Investment Board.

I. Any vacancies occurring on the Workforce Investment Board established under 29 U.S.C. sec 2832 after the effective date of this act shall be filled so as to ensure that Board shall include not less than 2 residents, each of whom shall represent a different county commission district from each county in the state, provided that no state agency official who is nominated and appointed by the governor shall be eligible to serve on the Board under the provisions of this paragraph.

II. To the extent consistent with federal law, in cases where the governor has authority to nominate or appoint members to a local workforce investment board, such nominations or appointments shall be made by the governor.

Conferees: Sens. Larsen, Dist. 15; McCarley, Dist. 6 and Gordon, Dist. 2.

Conferees: Reps. Daniels, Hills. 13; Ward, Graf. 1; Alger, Graf. 9 and Guest, Graf. 10.

### COMMITTEE OF CONFERENCE REPORT ON SB 439

Committee of Conference Report on SB 439-FN, an act relative to motor vehicle offenses resulting in serious bodily injury.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Gordon, Dist. 2; Trombly, Dist. 7 and Pignatelli, Dist. 13.

Conferees: Reps. Christie, Rock. 22; Welch, Rock. 18; Knowles, Straf. 11 and Packard, Rock. 29.

### COMMITTEE OF CONFERENCE REPORT ON SB 470

Committee of Conference Report on SB 470, an act relative to the administrative authority of the board of trustees for the regional community-technical colleges.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. McCarley, Dist. 6; D'Allesandro, Dist. 20 and Johnson, Dist. 3.

Conferees: Reps. O'Hearn, Hills. 26; Henderson, Rock. 20; Larrabee, Merr. 9 and John. White, Hills. 46.

## REGULAR CALENDAR

## COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

## COMMITTEE OF CONFERENCE REPORT ON SB 323

Committee of Conference Report on SB 323, an act relative to ambulatory surgical facilities in service areas of rural hospitals.

## Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Threshold; Acute Care Facilities. Amend RSA 151-C:5, II(a) to read as follows:

(a) The construction, development, expansion, or alteration of any acute care facility requiring a capital expenditure of more than ~~[\$1,500,000]~~ **\$1,759,512**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

2 Threshold Limits. Amend RSA 151-C:5, II (f) to read as follows:

(f)(1) *Except as provided in subparagraph (2)*, the construction, development, expansion, renovation, or alteration of any nursing home, ambulatory surgical facility, rehabilitation hospital, psychiatric hospital, specialty hospital, or other health care facility requiring a capital expenditure of more than ~~[\$1,000,000]~~ **\$1,173,000**. The board shall, by rule, adjust the capital expenditure threshold annually using an appropriate inflation index.

(2) *The threshold amount for construction of ambulatory surgical centers within the service area of a hospital with fewer than 70 general hospital beds licensed by the department of health and human services shall be \$500,000, which threshold shall be adjusted annually using an appropriate inflation index, unless there is an objection by such hospital, in which case the application shall be subject to review regardless of value. The board shall determine by rule the service areas of such hospitals.*

3 New Section; Task Force; Amend RSA 151-C by inserting after section 15 the following new section:

151-C:16 Task Force Established; Membership.

I. There is established the task force on the certificate of need statute, RSA 151-C. The task force shall be composed of the following members:

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house.

(c) The commissioner of the department of health and human services, or designee.

(d) A representative of the New Hampshire Medical Society, appointed by such association.

(e) A representative of the New Hampshire Hospital Association, appointed by such association.

(f) A representative of the New Hampshire Ambulatory Surgery Association, appointed by such association.

(g) The executive director of the New Hampshire Health Care Association, or designee.

(h) The commissioner of insurance, or designee.

(i) The attorney general, or designee.

(j) A representative of the governor's office.

(k) A representative of the health services planning and review board, appointed by the chairperson of the board.

(l) Two consumers, appointed by the governor.

(m) An economist knowledgeable in issues of health care, appointed by the governor.

(n) A representative of the New Hampshire Nurses Association, appointed by the association.

(o) The president of the New Hampshire Residential Care Association, or designee.

(p) The chairperson of the Rural Health Coalition, or designee.

(q) The chairperson of the Community Hospital Coalition, or designee.

II. The term of office for task force members shall be coterminous with the member's term of office in his or her respective agency or organization. A chairperson shall be elected from the membership of the task force. Vacancies in task force membership shall be filled as soon as practicable by the respective agency or organization creating the vacancy. The first-named senate member shall call the first meeting within 30 days of the effective date of this section.



III. The task force members listed in subparagraphs I(c)-(q) may employ the assistance of additional members of their respective agency or organization as necessary to assist with a task or project undertaken by the task force.

IV. The task force members may elicit input or recommendations from other groups or organizations as necessary.

V. The task force shall investigate issues relating to the operation of the certificate of need statute, RSA 151-C, including, but not limited to, how the regulatory structure affects:

- (a) The cost of health care services;
- (b) The availability of and access to health care services;
- (c) Competition and collaboration among health care providers;
- (d) The provision of new health care services;
- (e) The allocation of health care resources in the state; and
- (f) The quality of health care.

VI. The task force shall cooperate and collaborate with other state or private agencies as may be necessary to address these issues, and shall consider input and recommendations from such state or private agencies on an ongoing basis.

VII. The task force shall conduct public hearings as may be necessary on matters pertaining to the certificate of need statute, RSA 151-C. Such hearings may be conducted in any part of the state as circumstances require.

VIII. Members of the task force shall serve without compensation, except that the legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IX. The task force shall submit a detailed report of its findings, actions taken, and recommendations to the president of the senate, the speaker of the house of representatives, and the governor on or before January 1, 2001 and each January 1 thereafter.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill lowers the threshold amount necessary for certificate of need review of the construction of ambulatory surgical centers within the service areas of certain hospitals.

This bill changes the threshold level for certain other new institutional health services.

This bill also establishes a task force to address certain issues regarding RSA 151-C.

Conferees: Sens. Squires, Dist. 12; McCarley, Dist. 6 and Wheeler, Dist. 21.

Conferees: Reps. Emerton, Hills. 7; Wendelboe, Belk. 2; Batula, Hills. 18 and Donovan, Sull. 11. Adopted by the necessary two-thirds.

#### COMMITTEE OF CONFERENCE REPORT ON SB 403

Committee of Conference Report on SB 403-FN-A, an act making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Agriculture, Markets, and Food; Inspection of Apiaries and Honeybee Swarms. The sum of \$6,000 is appropriated to the department of agriculture, markets, and food for the fiscal year ending June 30, 2001, and each year thereafter, for the purpose of inspection of apiaries and honeybee swarms. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

#### AMENDED ANALYSIS

This bill appropriates funds to the department of agriculture, markets, and food for the purpose of inspection of apiaries and honeybee swarms, for the fiscal year ending June 30, 2001 and each year thereafter.

Conferees: Sens. Disnard, Dist. 8; Russman, Dist. 19 and Below, Dist. 5.

Conferees: Reps. Scanlan, Graf 11; Leighton Pratt, Coos 4; Babson, Carr. 5 and Phinizy, Sull. 7. Adopted by the necessary two-thirds.



### COMMITTEE OF CONFERENCE REPORT ON SB 436

Committee of Conference Report on SB 436-FN, an act relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Manslaughter; License Revocation in Certain Cases. Amend RSA 630:2 by inserting after paragraph II the following new paragraph:

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

2 Negligent Homicide; License Revocation Period. Amend RSA 630:3, III to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. *In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device which shall remain in place for a period not to exceed 5 years.*

3 New Paragraph; Impaired Driver Intervention Programs; Authorized Programs for Restoration of Privileges. Amend RSA 172-B:2-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other law to the contrary, the impaired driver intervention programs operated by the department of corrections shall be deemed approved programs for purposes of the attendance required at such programs for restoration of driver's licenses or driving privileges under RSA 263:65-a.

4 New Subparagraph; Authorized Impaired Driver Intervention Programs. Amend RSA 263:65-a, I by inserting after subparagraph (b) the following new subparagraph:

(c) Operated by the department of corrections and approved pursuant to RSA 172-B:2-a, I-a.

5 Department of Corrections' Impaired Driver Intervention Programs. Amend RSA 263:65-a, III to read as follows:

III. Successful completion shall also include payment of all assessed I.D.I.P., M.O.P., and equivalent program fees, *except in the case of attendance at programs operated by the department of corrections*. Failure of the offender to make full payment of the assessed fee may also result in petition for contempt of court charges against the offender.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill provides for revocation of drivers' licenses for causing a fatality and authorizes certain impaired driver intervention programs for restoration of driving privileges.

Conferees: Sens. Trombly, Dist. 7; Brown, Dist. 17 and Pignatelli, Dist. 13.

Conferees: Reps. Christie, Rock. 22; Welch, Rock. 18; Tholl, Coos 5 and Knowles, Straf. 11.

Adopted by the necessary two-thirds.

### COMMITTEE OF CONFERENCE REPORT ON SB 448

Committee of Conference Report on SB 448, an act establishing a guardians ad litem board.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 463:35, I as inserted by section I of the bill by replacing it with the following:

1.(a) The terms of the executive director of the judicial council, the member representing the New Hampshire supreme court, and the member representing the child protection agency shall be for 5 years and until a successor is appointed. The terms of the members appointed under RSA 463:34, 1 (e) and (f) shall be for 3 years. Vacancies in board membership shall be filled in the same manner as the original appointment.

(b) All initial appointments to the board shall be made within 60 days of the effective date of this section.

Amend RSA 463:38 as inserted by section 1 of the bill by replacing it with the following:

463:38 Administrative Attachment. The board shall be administratively attached to the department of administrative services.

Amend the bill by replacing sections 3 and 4 with the following:

3 Administrative Services; Office of the Commissioner; Guardian ad Litem Board Startup. Amend 1999, 159:1 by inserting the following new PAU:

	<u>FY 2000</u>	<u>FY 2001</u>
01 General Government		
04 Dept Administrative Services		
01 Office of the Commissioner		
01 Commissioner-Administration		
91 Guardian ad litem board startup	F* 10,000	10,000
* Expenditures may include, but are not limited to, equipment and part-time personnel services.		
4 Administrative Services; Office of the Commissioner; Totals Adjusted. Amend 1999, 159:1.01, 04, 01, 01 as follows:		

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	172,005	181,315
Estimated source of funds for commissioner-administration		
General fund	172,005	181,315
Total	172,005	181,315
Insert in place thereof:		
Total	182,005	191,315
Estimated source of funds for commissioner-administration		
General fund	182,005	191,315
Total	182,005	191,315

AMENDED ANALYSIS

This bill establishes a guardian ad litem board responsible for the training, licensing, discipline, and other activities of guardians ad litem in New Hampshire and also provides that the board shall be administratively attached to the department of administrative services. The bill also provides \$10,000 in startup costs to the board.

Conferees: Sens. Pignatelli, Dist. 13; Gordon, Dist. 2 and Trombly, Dist. 7.

Conferees: Reps. Bickford, Straf. 1; Martel, Hills. 45; Rep. Moran, Hills. 15 and Almy, Graf. 14. Adopted by the necessary two-thirds.

COMMITTEE OF CONFERENCE REPORT ON SB 449

Committee of Conference Report on SB 449-FN, an act clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 8:

5 Legislative Budget Assistant; Audit Division. Amend 1999, 159:1.01, 02, 03, 02 as follows:

	<u>FY 2000</u>	<u>FY 2001</u>
Strike out:		
Total	2,197,629	2,218,598
Estimated source of funds for		
Audit division		
06 Agency income	300,000	300,000
General fund	1,897,629	1,918,598
Total	2,197,629	2,218,598
Insert place thereof:		
Total	2,197,629	2,218,598
Estimated source of funds for		
Audit division		
06 Agency income	1,100,000	300,000
General fund	1,097,629	1,918,598
Total	2,197,629	2,218,598
6 Legislative Budget Assistant; Budget Division. Amend 1999, 159:1.01, 02, 03, 01 as follows:		
	<u>FY 2000</u>	<u>FY 2001</u>
Insert:		
94 Tax Modeling	185,000	0
Strike out:		
Total	808,264	803,865
Estimated source of funds for		
Budget division		
General fund	808,264	803,865
Total	808,264	803,865
Insert in place thereof:		
Total	993,264	803,865
Estimated source of funds for		
Budget division		
General fund	993,264	803,865
Total	993,264	803,865
7 Department of Revenue Administration; Administration. Amend 1999, 159:1.01, 07, 01, 01 as follows:		
	<u>FY 2000</u>	<u>FY2001</u>
Insert:		
90 Tax modeling	F 15,000	0
Strike out:		
Total	1,313,889	1,311,748
Estimated source of funds for		
Administration		
General fund	1,313,889	1,311,748
Total	1,313,889	1,311,748
Insert in place thereof:		
Total	1,328,889	1,311,748
Estimated source of funds for		
Administration		
General fund	1,328,889	1,311,748
Total	1,328,889	1,311,748

#### AMENDED ANALYSIS

This bill clarifies that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

The bill increases appropriations to the house and senate for consultants' fees and provides that funds appropriated to the legislative branch for fiscal year 2000 shall not lapse until June 30, 2001.

The bill also appropriates funds to the legislative budget assistant and the department of revenue administration for tax modeling.

Conferees: Sens. Squires, Dist. 12; Below, Dist. 5 and Larsen, Dist. 15.

Conferees: Reps. Kurk, Hills. 5; Clegg, Hills. 23; Thulander, Hills. 6 and Knowles, Straf. 11.

Adopted by the necessary two-thirds.

### COMMITTEE OF CONFERENCE REPORT ON SB 471

Committee of Conference Report on SB 471, an act relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear power plant and ratifying article 12 of the 1999 Seabrook annual town meeting.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Ratification of the March 14, 2000 Salisbury Annual Town Meeting. All acts, votes, notices, and proceedings related to the "Modifying Elderly Exemption" article of the Salisbury annual town meeting held on March 14, 2000, and the related public hearing, and notice thereof, held on February 28, 2000, are hereby legalized, ratified, and confirmed.

### AMENDED ANALYSIS

This bill:

I. Authorizes the town of Seabrook to establish a nonlapsing special reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant.

II. Ratifies the acts, votes, notices, and proceedings of an article of the Newfields school district meeting held March 6, 2000, the Milan annual town meeting held March 12, 2000, and an article of the Salisbury annual town meeting held March 14, 2000.

III. Makes a change to the Hampton Beach village district charter relative to a village district property tax exemption.

Conferees: Sens. Trombly, Dist. 7; Cohen, Dist. 24 and Fraser, Dist. 4.

Conferees: Reps. Patten, Carr. 9; Griffin, Rock. 27; Leone, Sull. 2 and Simon, Hills. 40.

Adopted by the necessary two-thirds.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

### COMMITTEE OF CONFERENCE REPORT ON SB 472

Committee of Conference Report on SB 472, an act relative to final authorization of electric rate reduction financing and commission action.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 362-A:4-d as inserted by section 1 of the bill by replacing it with the following:

362-A:4-d Retention of Savings by Electric Utility. An electric utility that is party to an approved renegotiation of a commission order under RSA 362-A:4-c shall be entitled to retain up to 20 percent of the savings resulting from such renegotiation, subject to order of the commission.

Amend RSA 369-B:1-4 as inserted by section 2 of the bill by replacing them with the following:

369-B:1 Declaration of Purpose and Findings. The general court finds that:

I. The restructuring of electric utilities to allow retail electric competition and less costly regulation is in the public interest. New Hampshire is implementing such restructuring to create retail customer choice, which will provide retail electric service at lower costs.

II. The divestiture of electric generation by New Hampshire electric utilities will facilitate the competitive market in generation service. Further, the proceeds of generation divestitures may decrease rates for the customers of transmission and distribution utilities.



III. The establishment of structured financing options for electric utilities will facilitate reductions in transmission and distribution rates for all customer classes, thereby advancing the near term rate relief principle of RSA 374-F:3, XI, without creating any debt or financial obligation of the state or other adverse impacts upon the state's finances or credit rating.

IV. The state agrees that its pledge, contract, and agreement and the pledge of the commission not to impair the rights or remedies of holders of rate reduction bonds creates a secure expectation of repayment on the part of such holders.

V. Pursuant to 1999, 289:3, I, the commission has held hearings regarding the original proposed settlement to restructure the Public Service Company of New Hampshire (PSNH) and has issued its April 19 order, accepting the original proposed settlement as being in the public interest and consistent with New Hampshire law, and as a final resolution of the dockets listed therein, subject to the conditions listed in the April 19 order.

VI. Pursuant to 1999, 289:3, I, the commission has held hearings with respect to the securitization proposal contained in the original proposed settlement and has found that implementation of that securitization proposal, subject to the conditions listed in the April 19 order, will result in benefits to customers that are substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VII. Implementation of that securitization proposal, subject to the conditions listed in the April 19 order, and as further modified in this chapter, will result in benefits to customers that are substantially consistent with the principles contained in RSA 374-F:3 and RSA 369-A:1, X and with RSA 369-A:1, XI.

VIII. Implementation of securitization to achieve the purposes of this chapter requires enactment of further enabling legislation by the general court, and it is in the public interest to pass such further enabling legislation in the form of this chapter.

IX. Approval by the commission of a finance order for PSNH that is consistent with the April 19 order, with subsequent modifications, and subject to the conditions and requirements of this chapter, that is consistent with the conditions of RSA 369-B:3, IV(b), and that is otherwise substantially consistent with RSA 374-F:3, RSA 369-A:1 and RSA 369-B:1 is in the public interest.

X. The differences among rate classes in the amount of the stranded cost recovery charge in the April 19 order are in the public interest. When these differences are combined with the differences in the delivery service charge among rate classes, and with the differences in the likely market price of energy among rate classes, the overall total rate reduction is likely to be very close to an equal percentage for all rate classes, which is consistent with the benefits for all customers principle of RSA 374-F:3, VI. However, it is also in the public interest that any further adjustments to charges between the estimated amounts in the April 19 order and 24 months after competition day be applied equally in cents per kilowatt-hour for all rate classes to which they apply.

XI. The renegotiation of the power purchase obligations requiring PSNH to purchase power from the 6 wood-to-energy facilities and the one trash-to-energy facility is in the public interest in order to reduce the total cost to ratepayers of these obligations, and the sharing of the benefits among ratepayers and all of the parties involved in the renegotiations is in the public interest.

XII. It is in the public interest in the event that the price of transition service during the period that transition service is provided by PSNH exceeds PSNH's actual, prudent and reasonable costs of providing such power so as to create a credit to customers that must be reconciled, that the allocation of this credit between a reduction of the stranded cost recovery charge and a reduction of the duration of stranded cost recovery be made by the commission in a manner that it finds to be in the public interest.

XIII. The commission should design low income programs in a manner that targets assistance and has high operating efficiency, so as to maximize the benefits that go to the intended beneficiaries of the low income program.

XIV. The general court requests that the supreme court and any other courts asked to rule on any matters pertaining to the subject matter of this chapter act as expeditiously as possible. Time is of the essence.

XV. The effect of the stranded cost recovery charge contained in the back-up Delivery Service Rate B tariff as filed by PSNH with its original proposed settlement is just and reasonable, and does not create a charge similar to or have the same effect as an exit fee; provided that not later than 33 months after competition day, the commission shall initiate a rate case on transmission and

distribution or delivery services, and this rate case shall establish a back-up charge that is just and reasonable and based on the cost of providing such back-up services, including all applicable stranded cost recovery charges, RRB charges, system benefits charges, and taxes, and retrospectively take effect immediately after 33 months after competition day.

369-B:2 Definitions. In this chapter:

I. "April 19 order" means commission Order No. 23,443 in Docket DE 99-099 as it was issued on April 19, 2000, excluding any subsequent amendments.

II. "Commission" means the public utilities commission established in RSA 363, as it may be constituted from time to time, and any successor agency exercising functions similar in purpose to such commission.

III. "Competition day" means competition day as defined in the original proposed settlement, as adjusted by subsequent modifications.

IV. "Electric utility" means a public utility as defined in RSA 362:2 that provides retail electric service.

V. "Finance order" means an order of the commission adopted prior to or following the effective date of this chapter pursuant to 1999, 289:3, I, pursuant to this chapter, or pursuant to both 1999, 289:3, I and this chapter.

VI. "Financing entity" means any special purpose trust, limited liability company, non-profit corporation, or other entity that is authorized in accordance with the terms of a finance order to issue rate reduction bonds, acquire RRB property, or both on behalf of the electric utility, or any combination of such entities.

VII. "Initial transition service end day" means 9 months after competition day.

VIII. "Original proposed settlement" means the "Public Service Company of New Hampshire Restructuring Settlement Agreement" filed with the commission on August 2, 1999.

IX. "PSNH" means Public Service Company of New Hampshire.

X. "Rate reduction bonds" ("RRB") means bonds, notes, certificates of participation or beneficial interest, or other evidences of indebtedness or ownership, issued pursuant to an executed indenture or other agreement of a financing entity, in accordance with this chapter, 1999, 289:3, I and II, and RSA 369-A, the proceeds of which are used, directly or indirectly, to provide, recover, finance, or refinance RRB costs, and which, directly or indirectly, are secured by, evidence ownership interests in, or are payable from, RRB property.

XI. "Retail customer" means any person or entity purchasing directly or otherwise obtaining or being supplied directly with retail electric service for end use consumption, including those served under special contracts.

XII. "Retail electric service" means the delivery of electric power through the provision of transmission and/or distribution service by an electric utility to a retail customer, regardless of such retail customer's source of electric power, and shall include any back-up, maintenance, emergency, and other delivery service provided to a retail customer by an electric utility.

XIII. "RRB charge" means those retail electric service rates that are authorized by the commission in a finance order to recover those RRB costs that are eligible to be funded with the proceeds of rate reduction bonds pursuant to this chapter and the costs of providing, recovering, financing, or refinancing such RRB costs through a plan approved by the commission in the finance order, including the costs of issuing, servicing, and retiring rate reduction bonds. The RRB charge authorized by the commission may vary by cost of service, by customer class, and between special contract customers. All RRB charges shall be assessed on a per kilowatt-hour basis, and shall be non-bypassable as provided in RSA 369-B:4, IV.

XIV. "RRB costs" means expenditures which are incurred by an electric utility or which an electric utility is obligated to incur either prior to or subsequent to the effective date of this chapter, and costs approved by the commission to mitigate such expenditures, as shall be designated in a finance order approved by the commission and which may include but are not limited to:

(a) Expenditures incurred in respect of generation assets, entitlements, and acquisition premiums.

(b) Expenditures incurred in respect to the buyout, buydown, restructuring or renegotiation of power purchase obligations.

(c) Expenditures incurred in respect to regulatory assets.

(d) Expenditures incurred to refinance or retire existing debt or existing equity capital of the electric utility and any costs related thereto.

(e) Amounts necessary to recover federal or state taxes actually paid by an electric utility, which tax liability recovery is modified by the transactions approved in a finance order issued by the commission pursuant to this chapter.

(f) Reasonable costs, as approved by the commission, relating to the issue, servicing, or refinancing of rate reduction bonds under the provisions of this chapter, including, without limitation, principal and interest payments and accruals, sinking fund payments, debt service and other reserves, costs of credit enhancement, indemnities, if any, owed to the state or the trustee for the rate reduction bonds, issuance costs and redemption premiums, if any, and all other reasonable fees, costs, and charges in respect of rate reduction bonds.

XV. "RRB property" means the irrevocable vested property right created pursuant to this chapter and one or more finance orders, including, without limitation, the right, title, and interest of an electric utility or a financing entity in and to all revenues, collections, claims, payments, money, or proceeds of or arising from the RRB charge authorized to be imposed and collected pursuant to such finance orders to recover RRB costs and the costs of paying, financing, reimbursing, or refinancing the RRB costs, including the reasonable costs of issuing, servicing, and retiring rate reduction bonds, and in and to all rights to obtain adjustments to such RRB charge pursuant to the terms of RSA 369-B:4, III and the finance order, all as determined by the commission in its approval of such finance orders. "RRB property" shall constitute a current and irrevocable vested property right, notwithstanding the fact that the value of such property right may depend upon electricity usage or the performance of certain services.

XVI. "Security interest" means a security interest as defined in RSA 382-A:1-201(37).

XVII. "Service territory" means, with respect to any electric utility, the geographic area established by the commission as the retail electric service territory of such electric utility, as such territory is depicted on the "Electric Utilities Franchise Areas" map issued by the commission, dated July 1, 1993, together with any other geographic area in which such electric utility actually provided retail electric service on such date.

369-B:3 Authority to Issue Finance Orders to Finance RRB Costs.

I. The commission is authorized, upon the petition of an electric utility and after a hearing, to issue one or more finance orders pursuant to which rate reduction bonds shall be issued, if the commission finds that the issuance of such finance order or finance orders is in the public interest as set forth in RSA 369-B:1, IX. Any finance order adopted pursuant to 1999, 289:3, I and II prior to the effective date of this chapter shall, following the effective date of this chapter, be deemed to be authorized by this chapter, provided the commission has made the required finding pursuant to RSA 369-B:3, IV(b).

II. Notwithstanding any law, rule, or regulation to the contrary, except as otherwise provided in RSA 369-B:4, III with respect to RRB property, the finance orders and the RRB charge authorized to be imposed and collected pursuant to such finance orders shall be irrevocable, and the commission shall not have authority either by rescinding, altering, or amending the finance order or otherwise, to directly or indirectly, revalue or revise for ratemaking purposes the RRB costs, or the costs of providing, recovering, financing, or refinancing the RRB costs, determine that such RRB charge is unjust or unreasonable, or in any way reduce or impair the value of RRB property either directly or indirectly by taking such RRB charge (other than any portion of such RRB charge constituting a servicing fee payable to the electric utility) into account when setting other rates for the electric utility; nor shall the amount of revenues arising with respect thereto be subject to reduction, impairment, postponement, or termination.

III. Notwithstanding any law, rule, or regulation to the contrary, any requirement under this chapter, under 1999, 289:3, I and II, under RSA 369-A, or under a finance order that the commission take action with respect to the subject matter of a finance order shall be binding upon the commission, and the commission shall have no authority to rescind, alter, or amend that requirement.

IV. The commission shall only issue finance orders that:

(a) Authorize the issuance of an aggregate principal amount of not more than \$130,000,000 in rate reduction bonds to finance renegotiated agreements of the existing power purchase obligations requiring PSNH to purchase power from the 6 wood-to-energy facilities and the one trash-to-energy facility; and/or

(b) Authorize the issuance of an aggregate principal amount of not more than \$670,000,000, minus \$6,000,000 for each month from October 1, 2000 to competition day, in rate reduction bonds.



This authorization is in addition to any amount authorized in subparagraph (a). This issuance must be part of a settlement approved by the commission under RSA 374-F to implement electric utility restructuring within the service territory of PSNH. As part of any finance order under this subparagraph (b), the commission must find that the rate reduction bonds authorized by the finance order are consistent with the April 19 order, with any subsequent modifications. Any finance order that is issued under this subparagraph (b) shall also contain a statement of the following conditions, and a finding of the commission that the finance order is consistent with the following conditions:

(1)(A) From competition day until initial transition service end day, PSNH shall supply transition service and default service in its retail electric service territory. After initial transition service end day, any provider or providers of transition service shall have been chosen through a competitive bid process, administered by the commission, to provide such service. The commission may, if it finds it to be in the public interest, divide the competitive bid process into multiple categories or multiple competitive bids;

(B)(i) Transition service for residential customers, street lighting customers, and general delivery service rate G customers shall be available until 24 months after initial transition service end day. From competition day until initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour, or the competitively bid price for transition service, whichever is less. From 12 months after initial transition service end day to 24 months after initial transition service end day, the price of transition service for these customers shall be \$0.046 per kilowatt-hour, or the competitively bid price for transition service for these customers, whichever is less. If the competitively bid price exceeds these fixed prices, the differences shall be reconciled for these customers in the manner prescribed in the original proposed settlement;

(ii) At the end of the transition service period, up to 25 percent of the residential customers, street lighting customers, and general delivery service rate G customers who have not chosen a competitive supplier may be assigned randomly to registered competitive suppliers other than the transition service supplier or suppliers, if the commission finds such random assignment to be in the public interest. The commission shall develop procedures and regulations for this assignment process. Any random assignment must be affirmatively approved by an individual customer;

(C) Transition service for all other customers shall be available until 12 months after initial transition service end day. From competition day to initial transition service end day, the price of transition service for these customers shall be \$0.044 per kilowatt-hour. From initial transition service end day to 12 months after initial transition service end day, the price of transition service for these customers shall be the competitively bid price for transition service;

(D) Any difference between the price of transition service from competition day to initial transition service end day and PSNH's actual, prudent and reasonable costs of providing such power shall first be separated between the 2 groups of customers described in subparagraphs (b)(1)(B) and (b)(1)(C), used first to offset any differences described in subparagraph (b)(1)(B), and the net then reconciled for each group of customers either by changing the recovery end date, or by decreasing the stranded cost recovery charge, as the commission finds to be in the public interest;

(E) The commission shall retain the authority to reject any or all bids for transition service at its sole discretion if it finds such action to be in the public interest. Except as specifically provided in this section, the commission shall not accept any bid or implement any pricing strategy for transition service that creates any deferrals;

(F) The selection of a provider or providers of default service prior to 24 months after initial transition service end day may be combined with the selection of a provider or providers of transition service to the extent that the commission finds it to be in the public interest;

(2) No amount shall be securitized which was not listed as part of the \$688,000,000 proposed for securitization in the April 19 order, as reduced by any subsequent amortization;

(3) Customer savings shall be not less than the total amount of \$450,000,000, excluding savings from rate reduction financing and merger savings, including the \$367,000,000 contained in the original proposed settlement, and the \$6,200,000 resulting from the settlement of issues pertaining to New Hampshire Electric Cooperative, Inc. A commitment by PSNH to all of the following actions shall be deemed to satisfy this condition:



(A) PSNH shall credit customers with the higher return associated with accumulated deferred income taxes (ADITs) as proposed in PSNH's May 1, 2000 filing;

(B) PSNH shall credit customers with the value derived from using its own assets to provide transition service for a period of 9 months;

(C) PSNH shall extend from 30 months to 33 months the period during which the delivery service charge, exclusive of Hydro Quebec transmission support payments, is fixed at 2.8 cents per kilowatt-hour;

(D) PSNH shall absorb the first \$7,000,000 of difference of costs that results in the event that transition service costs during the 12 months following the initial transition service end day exceed the transition service price for that 12 months, as provided in RSA 369-B:3,IV(b)(1)(B)(i);

(E) PSNH shall reduce the maximum amount of necessary and prudent costs associated with the issuance of and closing on the securitization financing and any premiums associated with the retirement of debt and preferred stock from these proceeds that may be recovered from \$17,000,000 to \$15,000,000. PSNH shall include in its costs the first \$700,000 of the costs of the office of the state treasurer related to reviewing and issuing the rate reduction bonds;

(F) PSNH agrees to move the Recovery End Date (RED date) to 1 month earlier than it would otherwise be; and

(G) PSNH agrees that if competition day has not occurred by October 1, 2000, then effective October 1, 2000 PSNH shall temporarily reduce its current effective total rates (base rates plus FPPAC rates) by 5 percent across the board until either competition day or April 1, 2001, whichever occurs earlier.

(4) In the event that PSNH or its parent company is acquired or otherwise sold or merged:

(A) Such merger, acquisition, or sale shall be subject to the jurisdiction of the commission under RSA 369, RSA 374, RSA 378 or other relevant provisions of law, and the merger, acquisition, or sale shall be approved only if it is shown to be in the public interest;

(B) In recognition of the extraordinary benefits provided to PSNH from rate reduction financing, should PSNH or its parent company be acquired or otherwise sold or merged, such merger, acquisition or sale shall be subject to the jurisdiction of the commission under the standard set forth in the original proposed settlement. The commission may approve such a merger if such approval results in the receipt by PSNH customers of a just and reasonable amount of the cost savings that result from such merger, acquisition or sale.

(C) No acquisition premium paid by an acquiring company for the assets or securities of any acquired company, resulting from any such merger, acquisition or sale, may in any way increase rates at any time from what they would have been without the acquisition premium;

(5) The delivery service charge, exclusive of the Hydro Quebec Transmission support payments, shall be fixed for a period of 33 months from competition day at \$0.028 per kilowatt-hour;

(6) The total system benefits charge shall be fixed at \$0.002 per kilowatt-hour for 33 months from competition day divided between low-income assistance and energy efficiency/conservation programs. In the event that the commission finds that a significant amount of unencumbered dollars have accumulated in either program, and are not needed for program purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely manner;

(7) All currently existing opportunities shall be continued for retail customers to generate or acquire electricity for their own use, other than through retail electric service, without an exit fee;

(8) To the maximum extent allowed by federal law, non-discriminatory, open access to PSNH's transmission system shall be available to customers, electricity suppliers, marketers, aggregators, and municipal electric utilities, with charges based only on rates set by federal regulations, plus the actual cost of service for any services not subject to federal price regulation plus, for retail customers, applicable stranded cost recovery charges, RRB charges, systems benefit charges, and taxes;

(9) The stranded cost recovery charge, averaged over all customers, shall not exceed \$0.0340 per kilowatt-hour. Any changes in the delivery service charge, stranded cost recovery charge, transition service charge, systems benefit charge, or any other charge between the estimated amounts in the April 19 order and 24 months after competition day shall be applied as an equal change in the cost per kilowatt-hour for all rate classes to which they apply;

(10) The commission shall not order changes in the total rates of customers taking service under special contracts approved pursuant to RSA 378:18 for the duration of those special contracts in effect as of May 1, 2000. Special contract customers selecting option 2 of the original proposed settlement shall have the energy charges under the contract reduced by the initial transition service price;

(11) During any sale of electricity generation assets required by this settlement, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid for those assets;

(12) During any competitive bid process to determine a provider or providers of transition service, or of default service to any customer belonging to a rate class that at the time of service is eligible to receive transition service, neither PSNH, nor any affiliate of PSNH, nor any company that would become an affiliate of PSNH if an announced merger, acquisition or sale were to be consummated, may bid to provide such service;

(13) The commission shall administer the liquidation of any electricity generation assets required to be sold by the settlement. Any sale of assets located in the state of New Hampshire that are administered by the commission pursuant to this paragraph shall be conducted in this state. The commission shall select the independent, qualified asset sale specialist who will conduct the asset sale process. PSNH shall be allowed to comment prior to the selection of any such specialist;

(14) The commission shall administer any competitive bid process for transition service or default service required by the settlement;

(15) Subject to the approval of the Federal Energy Regulatory Commission (FERC), in the event that the commission either rejects a proposed sale of Seabrook, or fails to act on such application within 180 days after North Atlantic Energy Corporation's (NAEC's) proposed sale application is filed with the commission, and the failure of the sale is through no fault of Northeast Utilities (NU) or PSNH, NHEC's return on equity shall be increased from 7 percent to 150 basis points more than the average 10-year Treasury bond yield for the preceding 6 months, but not less than 7 percent nor more than 11 percent, and then readjusted accordingly at the end of every 6 month period; and

(16) No finance order shall be final or effective until PSNH and NU have agreed to dismiss with prejudice on competition day PSNH and NU's claims and causes of action in all pending litigation associated with the implementation of RSA 374-F, including civil action No. 97-97-JD (New Hampshire) / 97-121 L (Rhode Island).

V. Any finance order that expressly states each and every one of the conditions as set forth in RSA 369-B:3, IV, and finds that the finance order is consistent with all of these conditions, shall be deemed to satisfy the conditions and requirements of RSA 369-B:3, IV. If such finance order so satisfies the conditions and requirements of RSA 369-B:3, IV and satisfies the other requirements of this chapter, then such finance order shall be deemed to be authorized by, and issued pursuant to, this chapter.

#### 369-B:4 Establishment of RRB Charge to Recover RRB Costs.

I. A finance order shall establish and place into effect one or more RRB charges that the commission shall determine to be just and reasonable, including any provisions for subsequent adjustments thereto, that shall provide for the collection of revenues from retail customers of electric utilities sufficient to recover all RRB costs approved by the commission in the finance order, including, without limitation, the payment of principal, premium, if any, interest, credit enhancement, and all other fees, costs, and charges in respect to rate reduction bonds. Such RRB charge or RRB charges shall be set forth in a schedule or schedules filed with the commission in such form as may be determined by the commission, but the filing of such schedule shall not affect or be a condition to the validity of the RRB charge.

II. The commission shall set the RRB charge, per kilowatt-hour of electricity for delivery of retail electric service, in an amount necessary and sufficient to provide for the full recovery of principal, interest, and credit enhancement on the rate reduction bonds, in accordance with the amortization schedule for such bonds determined at the time of offering, as well as all other fees, costs, and charges in respect to the rate reduction bonds, based upon the electric utility's reasonable assumptions, including sales forecasts.

III. Notwithstanding any provision of RSA 369-B:3, the commission shall approve such adjustments to the RRB charge authorized to be imposed and collected pursuant to a finance order as

may be necessary to ensure timely recovery of all RRB costs that are the subject of such finance order, including, without limitation, the costs of capital associated with the provision, recovery, financing, or refinancing thereof and the costs of issuing, servicing, and retiring the rate reduction bonds contemplated by such finance order. Such RRB charge shall be adjusted periodically, but not less frequently than annually nor more frequently than monthly, in accordance with the finance order. The commission shall provide in a finance order for a procedure for the timely approval by the commission of periodic adjustments to the RRB charge that is the subject of such finance order. The commission shall approve such adjustments within 60 days of the filing of such adjustment, or within such shorter period as the finance order may designate. These adjustments shall generally serve to reconcile the actual RRB charges collected with the RRB charges expected to have been collected during the relevant prior period in a manner such that the adjusted RRB charge will be sufficient to provide for scheduled principal, interest, credit enhancement, fees and other expenses associated with rate reduction bonds payable in the period during which such adjusted RRB charge will be billed. The electric utility shall include in such filing a report to the commission showing the calculation of each such adjustment.

IV. All charges established in a finance order for an electric utility, including, without limitation, the non-bypassable RRB charge, shall be collected from each retail customer of such electric utility by such electric utility or servicer of the rate reduction bonds or other entity authorized in the finance order or otherwise approved by the commission. If a retail customer purchases or otherwise obtains retail electric service from any person other than the electric utility in whose service territory the retail customer is located, including, without limitation, any successor referred to in RSA 369-B:8, subject to commission approval, the servicer or such new electricity service provider or successor shall collect all such charges, including, without limitation, such RRB charge, from the retail customer by or on behalf of the first electric utility with revenues from such RRB charge remitted solely for the benefit and repayment of rate reduction bonds as a condition to the provision of retail electric service to such retail customer. Each finance order shall impose commercially reasonable terms on such electricity service provider or successor responsible for billing or collecting such charges, including, without limitation, such RRB charge, that are the subject of the finance order. Any retail customer that fails to pay any RRB charge shall be subject to disconnection of service to the same extent that such customer would, under applicable law and regulations, be subject to disconnection of service for failure to pay any other charge payable to an electric utility.

V. The RRB charge shall be charged to and collected from retail customers for such period as prescribed in the finance order. To the extent that the commission, when issuing a finance order, determines that special treatment on retail customers' bills is necessary or desirable to distinguish the RRB charge from other rates and charges in order to facilitate the successful issuance and sale of rate reduction bonds, it may so provide as part of such finance order. A finance order shall specify how amounts collected from a retail customer shall be allocated between the RRB charge and other rates and charges.

VI. The commission shall establish charges for retail customers that purchase or otherwise obtain or are supplied back-up, maintenance, emergency or other delivery service provided to a retail customer by an electric utility. Such charges shall be just and reasonable, and shall not be designed in a manner that creates a charge similar to or has the same effect as an exit fee.

VII. Notwithstanding any statutory or regulatory language to the contrary, the commission shall not authorize or impose, nor shall any electric utility charge or assess, any exit fee, and nothing herein shall affect the rights as set forth in RSA 369-B:3, IV(b)(7). An exit fee is any rate or charge that is based in whole or in part on the amount of electric power and/or retail electric service a customer might have purchased from or through an electric utility but does not purchase due to conservation efforts, use of alternative non-electric energy sources, or the consumption of electricity by such customer from generation connected directly to such customer's electrical load with no intervening facilities of a regulated utility; provided, however, that an exit fee shall not include a just and reasonable capacity or demand charge for backup service as defined in RSA 369-B:4, VI.

VIII. In the event of the municipalization of a portion of an electric utility's service territory, the commission shall, in matters over which the Federal Energy Regulatory Commission does not have jurisdiction, or has jurisdiction but chooses to grant jurisdiction to the state, determine, to a just and reasonable extent, the consequential damages such as stranded investment in generation, storage, or supply arrangements resulting from the purchase of plant and property from the electric



utility and RRB costs, and shall establish an appropriate recovery mechanism for such damages. Any such damages shall be established, and shall be allocated between the RRB charge and other rates and charges, in a just and reasonable manner.

IX. Any surplus RRB charge in excess of the amounts necessary to pay principal, premium, if any, interest, credit enhancement and all other fees, costs, and charges in respect to rate reduction bonds shall be remitted to the financing entity and shall be used to benefit retail customers unless this would result in a recharacterization of the tax, accounting, and other intended characteristics of the financing, including, but not limited to, the following intended characteristics:

(a) Avoiding the recognition of debt on the electric utility's balance sheet for financial accounting and regulatory purposes;

(b) Treating the rate reduction bonds as debt of the electric utility or its affiliates for federal income tax purposes;

(c) Treating the transfer of the RRB property by the electric utility as a true sale for bankruptcy purposes; or

(d) Avoiding any adverse impact of the financing on the credit rating of the rate reduction bonds or the electric utility.

Amend RSA 369-B:5, X as inserted by section 2 of the bill by replacing it with the following:

X. Subject to the approval of the commission and the oversight of the state treasurer, or other state official designated by the state treasurer, rate reduction bonds issued and at any time outstanding may, if and to the extent permitted under the indenture or other agreement pursuant to which they are issued, be refunded by other rate reduction bonds.

XI. The state treasurer's oversight under RSA 369:5, IX and X shall not be governed by the provisions of RSA 541 or 541-A.

Amend the bill by replacing all after section 3 with the following:

4 New Subparagraph; System Benefits Charge; Limitations. Amend RSA 374-F:4, VIII by inserting after subparagraph (f) the following new subparagraph:

(g) The portion of the system benefits charge due to programs for low-income customers per kilowatt-hour in any public utility service territory in the state shall not exceed the amount in PSNH's service territory for a period of 33 months starting on competition day for PSNH as defined in RSA 369-B:2, III.

5 Option for Municipalities Purchasing Certain Electric Facilities. Municipalities which seek to purchase PSNH hydro-electric small-scale electric facilities, as defined in RSA 374-D:1, may with the consent of the governing body, prior to October 1, 2000, petition the commission pursuant to RSA 38:9, prior to holding the vote of qualified voters provided for in RSA 38:3, RSA 38:4, or RSA 38:5, for a determination of the fair market value of the facility in the event that the municipality and PSNH are unable to agree to a price to be paid for the facility. The cost of the determination shall be at the expense of the requesting municipality. The commission should select an independent, qualified asset valuation specialist to conduct the asset valuation process. If this option is chosen, all votes required by RSA 38:3, RSA 38:4, or RSA 38:5 must be held prior to the expiration of the time limit required for the ratification vote under RSA 38:13.

6 Public Utilities Commission Action. If by June 30, 2000, PSNH has not filed with the commission an acknowledgment of acceptance of the conditions contained in RSA 369-B:3, IV(b), then the commission shall:

I. Suspend the Public Service Company of New Hampshire (PSNH) Restructuring Settlement Docket No. DE 99-099 and resume, as allowed by law, all other dockets stayed by the commission as it addressed Docket No. DE 99-099.

II. Take such action as is in the public interest regarding temporary rates as authorized by RSA 378:27.

III. Pursue appropriate litigation at the New Hampshire supreme court or other appropriate courts on issues such as whether the 1989 Rate Agreement is a contract and whether PSNH and Northeast Utilities may have breached any such contract or, by their actions, allowed any such contract to be voided.

7 Dates of Events in PSNH Rate Reduction Financing.

I. Competition day for PSNH as defined in RSA 369-B:2, III shall be not later than October 1, 2000, unless the commission finds due to circumstances beyond its control that further delay is in the public interest.



II. The sale of PSNH fossil generation assets shall take place no later than July 1, 2001, unless the commission finds due to circumstances beyond its control that further delay is in the public interest.

8 PSNH Allowed to Pay Dividend. Upon the temporary rate reduction of 5 percent described in RSA 369-B:3, IV(b)(3)(G), PSNH will be allowed to pay a dividend of \$50,000,000.

9 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes the terms and conditions under which the public utilities commission can issue finance orders authorizing the issuance of rate reduction bonds. The bill also describes how a secured interest in the rate reduction property can be created and perfected.

Conferees: Sens. Frederick King, Dist. 1; Below, Dist. 5 and Hollingworth, Dist. 23. (Senate Alternates: Sens. D'Allesandro, Dist. 20 and Fraser, Dist. 4)

Conferees: Reps. Bradley, Carr. 8; Guay, Coos 6; Norelli, Rock. 31 and MacGillivray, Hills. 21 (House Alternates: Reps. Naida Kaen and Maxfield)

Rep. Bradley yielded to questions.

Rep. Gilmore spoke against and yielded to questions.

Reps. Norelli and MacGillivray spoke in favor and yielded to questions.

Rep. Bradley spoke in favor.

Rep. Phinizy requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

### YEAS 267 NAYS 72

#### YEAS 267

##### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Lawton, David	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert			

##### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Torressen, Gary			

##### CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph
McGuirk, Paul	Meador, David	Mitchell, McKim	Pratt, Irene
Riley, William	Roberts, William	Robertson, Timothy	Royce, H Charles
Smith, Edwin	Zerba, Roger		

##### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Woodward, David

##### GRAFTON

Almy, Susan	Cobb, John	Copenhaver, Marion	Densmore, Jessica
Guest, Robert	LaMott, Paul	Marshall, Gene	Nordgren, Sharon
Picconi, Al	Scanlan, David	Solow, Martha	Ward, Brien

##### HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Bergeron, Lucien	Brundige, Robert	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Clegg, Robert Jr	Clemons, Jane

Cote, David  
 Curran, James  
 Desmarais, Vivian  
 Dwyer, Paul Sr  
 Fields, Dennis  
 Gagnon, Eugene  
 Hansen, Herbert  
 Hunter, Bruce  
 Konys, Christine  
 Lasky, Bette  
 Lozeau, Donnalee  
 McCarthy, William  
 McGough, Tim  
 Messier, Irene  
 Murphy, Robert  
 Pappas, Marc  
 Reidy, Frank  
 Simon, Anthony  
 White, John

Cote, Peter  
 Daigle, Robert  
 Dokmo, Cynthia  
 Dyer, Merton  
 Ford, Nancy  
 Ginsburg, Ruth  
 Herman, Keith  
 Jean, Claudette  
 Kurk, Neal  
 Leishman, Peter  
 Lynde, Harold  
 McCarty, Winston  
 McRae, Karen  
 Milligan, Robert  
 Nolan-Piteri, Dawn  
 Pepino, Leo  
 Rowe, Robert  
 Thulander, O Alan  
 Williams, Carol

Coughlin, Pamela  
 Dalianis, Griffin  
 Drabinowicz, A Theresa  
 Emerton, Lawrence  
 Foster, Linda  
 Goley, Jeffrey  
 Herman, Richard  
 Johnson, Lionel  
 LaPorte, George  
 Leonard, Peter  
 MacGillivray, Jeffrey  
 McDonald, James Sr  
 Melcher, Harold  
 Moriarty, Mary  
 O'Connell, Timothy  
 Peterson, Andrew  
 Sarette, John  
 Turgeon, Roland

Craig, James  
 Daniels, Gary  
 Durham, Susan  
 Fenton, James  
 Franks, Suzan  
 Haettenschwiller, Alphonse  
 Holley, Sylvia  
 Keye, Harvey  
 LaRose, Richard  
 Lessard, Rudy  
 Martel, Andre  
 McDonough-Wallace, Alice  
 Mercer, Robert  
 Mosher, William  
 O'Hearn, Jane  
 Reeves, Sandra  
 Sargent, Maxwell  
 Vaillancourt, Steve

### MERRIMACK

Anderson, Eric  
 Daneault, Gabriel  
 Gile, Mary  
 Langer, Ray  
 Marshall, Kenneth  
 Poulin, Dave  
 Seldin, Gloria  
 Yeaton, Charles

Bouchard, Candace  
 Davis, Francis  
 Hager, Elizabeth  
 Larrabee, David Sr  
 Maxfield, Roy  
 Reardon, Tara  
 Wallner, Mary Jane

Brewster, Richard  
 Feuerstein, Martin  
 Hess, David  
 Leber, William  
 Moore, Carol  
 Rodd, Beth  
 Whalley, Michael

Chase, George  
 Fortnam, Janet  
 Hoadley, Elizabeth  
 Lockwood, Priscilla  
 Potter, Frances  
 Rosenfield, Jay  
 Whittemore, James

### ROCKINGHAM

Abbott, Dennis  
 Case, Margaret  
 Cox, Russell  
 Downing, Michael  
 Flanders, John Sr  
 Grant, Kenneth  
 Johnson, Robert  
 Kelley, Jane  
 Letourneau, Robert  
 Norelli, Terie  
 Pitts, Jacqueline  
 Sabella, Norma  
 Stone, Joseph  
 Weare, Everett  
 Zolla, William

Belanger, Ronald  
 Christie, Andrew Jr  
 Dalrymple, Janeen  
 Fesh, Robert  
 Francoeur, Sheila  
 Griffin, Mary  
 Kane, Cecelia  
 Kobel, Rudolph  
 Lovejoy, Marian  
 Noyes, Richard  
 Priestley, Anne  
 Shelton, Richard  
 Stritch, C Donald  
 Weatherspoon, Jackie

Blanchard, MaryAnn  
 Clark, Martha  
 DiFruscia, Anthony  
 Flanagan, Natalie  
 Gibbons, Paul  
 Hamel, Albert  
 Katsakiores, George  
 Langley, Jane  
 Major, Norman  
 O'Keefe, Patricia  
 Raynowska, Bernard  
 Shultis, Elizabeth  
 Tufts, J Arthur  
 Welch, David

Bridle, Russell  
 Cooney, Richard  
 Dowling, Patricia  
 Flanders, David  
 Gleason, John  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Langone, John  
 McKinney, Betsy  
 O'Neil, Michael  
 Ruffner, Walter  
 Splaine, James  
 Varrell, Thomas  
 Whittier, John

### STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Grassie, Anne  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith  
 Vachon, Dennis

Brennan, William  
 Domingo, Baldwin  
 Heon, Richard  
 Knowles, William  
 Rollo, Michael  
 Taylor, Kathleen  
 Wall, Janet

Brown, George  
 Dunlap, Patricia  
 Johnson, Nancy  
 Lent, Donald  
 Smith, Marjorie  
 Torr, Franklin

Brown, Julie  
 Estabrook, Iris  
 Kaen, Naida  
 McKinley, Robert  
 Snyder, Clair  
 Twardus, Joseph

### SULLIVAN

Burling, Peter  
 Wiggins, Celestine

Cloutier, John

Leone, Richard

Robb-Theroux, Amy

## NAYS 72 BELKNAP

Johnson, James	Wendelboe, Francine
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## CARROLL

Dickinson, Howard	Sullivan, P Judith
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## CHESHIRE

Avery, Stephen	Lynott, Margaret	Pratt, John	Richardson, Barbara
Rose, William			

## COOS

None

## GRAFTON

Alger, John	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hall, David	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Phinney, William			

## HILLSBOROUGH

Beaupre, Roland	Bergin, Peter	Bruno, Pierre	Christiansen, Lars
Flora, Kathleen	Garrish, Linda	Gorman, Mary	Goulet, Maurice
Hall, Betty	Jean, Loren	Lefebvre, Roland	McColgan, Philip Jr
Mendenhall, Leslie	Moran, Edward	Ouellette, Dean	Tate, Joan
Wall, Nancy	White, Donald		

## MERRIMACK

Fraser, Marilyn	French, Barbara	Kennedy, Richard	Marple, Richard
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	

## ROCKINGHAM

Beaulieu, Jon	Bishop, Franklin	Clark, Vivian	Henderson, Warren
Hutchinson, Karen	Kelley, William	Mikowski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman
Putnam, Ed II	Quandt, Marshall	Reardon, Neil	Rubin, George
Stickney, Nancy	Vaughn, Charles	Weyler, Kenneth	

## STRAFFORD

Bickford, David	Cossette, Larry	Gilmore, Gary	Pelletier, Arthur
Woods, Phyllis			

## SULLIVAN

Allison, David	Donovan, Thomas Jr	Phiniza, James	Tuthill, John
Young, David			

and the report was adopted.

## PROTESTS

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Reps. Boyce and Marple requested that their protests be entered on the Journal.

Rep. Boyce: This bill, imperfect as it is, has been presented to us as the last best hope to end this PSNH situation. I believe that there would be a better solution but none was presented.

Rep. Marple: This bill, as presented, is imperfect. The question as to conformance with Article 83, Part 2 of the New Hampshire Constitution is not answered. Public Service is a private corporation and this bill provides for a reduction in the costs of replacement bonds. Such reduction in costs enhances the dividends paid to the private stockholders for the next 12 years. The enhancement of private interests is prohibited by Article 83. This bill appears to be unconstitutional.

## DEBATE

Reps. Chandler and Burling moved that the debate on the Committee of Conference report on Senate Bill 472 be printed in the Journal.

Adopted.

Speaker Sytek: Would a member of the Committee yield to questions? Rep. Bradley yields. Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker. Thank you, Representative for taking my question. I'm a little confused because of the fact that we received a notice from Cabletron that they supported this bill now but they are one of those of several which are asking for a re-hearing of the PUC in connection with serious concerns. Specifically, they argue that in the re-hearing stranded cost charges have been illegally imposed, that the PUC failed to make a determination that they have a greater opportunity for stranded cost recovery than our current law and transition rates are too low. Are they going to withdraw their concern with the PUC or why are they taking two positions?

Rep. Bradley: Thank you, Rep. Alger. Normally, when the PUC issues an order interveners in a docket at the PUC have the opportunity to request for rehearing. Often it is on discrete issues, often it is on the entire order. Cabletron and others have listed some issues that have caused them concern. What I would submit to you is that groups like Cabletron, the Business and Industry Association, Freedom Partners and the Consumer Advocate who are all supporters of this bill and I believe most of you should have received Mr. Benson's E-mail, if you haven't I'll give you copies, and Mr. Benson is the CEO of Cabletron supporting this bill, they would appeal an order, or ask for rehearing is really a more accurate description, to preserve their rights. One of the reasons, I believe, that these groups, in fact, did ask for rehearing was on the issue of transition service, the fact that the PUC's order set transition service at 4 cents per kilowatt hour which virtually everyone acknowledges is below the actual market price in New England right now of power based on other similar bids. This legislation fixes that by setting it 4.4 cents for the first nine months, with PSNH supplying it in part because we anticipate it will take that long for them to divest of their assets and then after that for two additional years, the first year 4.4 cents and the second year 4.6 cents. I believe that the objections raised to transition service are largely removed by virtue of the fact that the legislation specifically sets the price at those levels, which according to our consultant, and I think it has been verified by other bids in other jurisdictions, other states in New England at that range of about 4.4, 4.5 cents, is a realistic market price, and so I submit to you that that was one of the major issues that was of concern of some of those groups and why they protected their rights, if you will, at the Commission but now they are supporters of the bill because we fixed it.

Rep. Alger: I appreciate the response. They had three issues. The first one you addressed very well although I think there is some question about the market rate. The stranded cost charges have been illegally imposed because PSNH was never required to meet its RSA 374-F:4 burden of proof that it is entitled to such charges. Is that something that your committee looked at or what is that about?

Rep. Bradley: Clearly, the level of stranded costs is one of the most important issues in this entire debate and what is or what is not an appropriate and real and legally defensible level of stranded costs. I would just read for you from Mr. Benson's e-mail and he talks about the \$450 million right-off or absorption of stranded costs, he says: "The \$450 million in prescribed savings is specific and verifiable. Its structured nature should lead to a quicker approval process at the PUC and will eliminate much of the dispute over the true value of the savings." What I would submit to you in that statement is that people understand, in particular advocates for lower rates and opening up the market and for a sharing of the burden of stranded costs, understand that PSNH is going to collect a significant portion of those stranded costs. It will be ordered by the courts or it will be adjudicated at the Commission or it will be entered into under a settlement. What you see before you today is the version of a settlement that PSNH has indicated they are willing to accept, roughly absorbing about 20 percent of their stranded costs in order to get the carrot, if you will, of securitization, and for intervenors like Cabletron, like Mike Holmes who is a big advocate. He is the Consumer Advocate and he originally was a big advocate of completing the rate case. These folks have said this is a reasonable result and let's take this result because the downside risk is significantly worse.

Speaker Sytek: The question now is on the adoption of the Committee of Conference report. The Chair recognizes the member from Dover, Rep. Gilmore.



Rep. Gilmore: Thank you, Madam Speaker. I speak with some reluctance but because this is so important I do think we should talk about it at some length or at least a short length. First off, I feel a debt and a need to acknowledge the tremendous hard work of the Committee of Conference. They were here all last week and they certainly put in the hours and they certainly really strived to create a good situation. Unfortunately, hard work doesn't always result in successful deeds and I feel this is one of those cases. I speak with some reluctance but again, this sort of must be said. This Committee of Conference report, I believe, is a step back from the House version that we had before us a couple of weeks ago. We are no longer writing off \$474 million. The amount in the bill is \$450 million but of that it is not all written-off; stranded costs are not all written-off. It is some in-kind services and there is some debate as to the value of those services that we are writing off. The whole issue is rather strange. I was here in 1989, as many of you were. At that point in time, Northeast Utilities bought PSNH for \$2.2 billion. Ten years later, they are claiming \$2.3 billion in stranded costs. Among the other issues that are occurring in this Committee of Conference report, besides the write-off going down, is the merger savings. In the House version, we allocated certain monies that the rate payers would benefit from a merger and those have now been taken out. When it goes to the PUC, the merger approval, the standard is very weak so I think we need some assurance that the PUC can actually ascribe some savings to the merger. The other issue is when NU and ConEd spoke before the various bodies that are looking to approve the merger, they spoke of synergy savings of \$1.5 billion. Last week, when the CEO of NU spoke before the Committee of Conference, he spoke of the fact that we don't even know if there are going to be savings in the merger and he was arguing for what showed up in the Committee of Conference report, that we would not place a merger savings in this legislation. My fear is that in the creative accounting that does take place, that we will not see any savings from what will probably be \$1.5 billion of savings that will never trickle down, will never be given to the ratepayers in this state. Several other issues, in this legislation, the Committee of Conference report, we're allowing PSNH to give NU \$15 million as a dividend. It does not write down any stranded costs. This is in the nature of other dividends that NU has received from PSNH, will total over \$400 million. Had these dividends been used to write down stranded costs, we would not be having quite as high a rate structure as we have today and that is something that the PUC had orders against NU doing but now this legislation gives its blessing to, in fact, it allows it to occur in October. Also, in this Committee of Conference report there is a five percent savings that we will get in October. It might be my cynical nature, but I would think that it should have been done sooner and not just prior to an election. We know, under the benchmarking that occurred in the PUC, that the PUC adjudicated, that we could be asking for an eight-to-ten percent rate decrease at the present time. Instead, we are going to wait until October. I just feel that it should be now and not just prior to an election. The whole issue, though, comes back to the issue of competition. This past Memorial Day, we all know that we had the highest gas prices that we have ever had. It is certainly not for lack of competition. The whole belief here is that somehow competition is going to work miracles. I would ask you to look at your own recent past and look at this past winter, to look at the gas prices as you go out and drive home tonight. There are numerous suppliers; there are high gas prices. Now, to have competition you have both an inability to transmit electricity and the ability to generate electricity. Folks, we are looking at a crunch this summer. This settlement, as previous settlements, as settlements in other states, projects additional growth in demand over the next coming years. We're not building the gas plants in this state. We're at the beginning of the pipeline. They are not being built in Maine. If you don't have the commodity to sell, you're not going to have competition. It's fairly basic. I think that's the very underpinning of economic analysis, supply and demand. If you don't have it, and we know we don't have it this summer, we're saying that demand is going to grow; it's not going to be there in two or three years. It takes a couple of years to build these plants. Maybe I'm wrong, but it is not there today; it's not likely to be there tomorrow. Rather than competition providing benefits, what we are probably looking at in three to four years is a bit of a rate shock. I know we all hope that this is the end. It hasn't proven to be the end in every previous time that the legislature has gotten involved and said that this is the final solution. Folks, this isn't the final solution, but what this will certainly do is lock the door for the next 12 years because we will be throwing away that key with securitization. We will lock ourselves into this path and we must be aware of that. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Phinizy, you may inquire.

Rep. Phinizy: Thank you, Madam Speaker. Would the honorable Representative from Dover feel that it would be safe to say that this article that was dated May 22<sup>nd</sup>, just shortly after the time we passed the original securitization bill, would it be safe to say that this is still true and the title reads: "Few Firms Eager to Jump into New Hampshire Electric Market?" Does this underscore your statements?

Rep. Gilmore: Four states in New England have competition. Four states in New England do not have any competition, have the ability for competition. Four states in New England do not have competition for rate payers or very much for anything but the largest of industrials. What is true in the other states is going to be true in New Hampshire, even more so true in New Hampshire. It isn't happening elsewhere where they have had the ability for several years now. It's rather foolish given that reality to expect that it's going to somehow spring to life in New Hampshire when it isn't occurring there where the market would be much better suited to competition.

Speaker Sytek: Would the member yield to another question? Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker. Thank you, Representative. Would you agree with me that you heard the conversation we just had with the other representative regarding Cabletron; that they are asking us to pass a bill and then they want to preserve the right to challenge its legality in the PUC? Is that what they are doing?

Rep. Gilmore: Yes.

Rep. Norelli: Thank you, Madam Speaker and members of the House. Last week, four House conferees and two alternates worked extremely long and hard hours. To me, it felt like a week that was really just one incredibly long day. Before I talk about what we ended up with, I'd like to thank my House colleagues, Reps. Bradley, MacGillivray, Guay, Maxfield and Kaen. In retrospect, it almost seems that reaching agreement between the House and Senate was quite easy. But without PSNH's agreement, agreement between the House and Senate would have been futile. I think that all of the conferees, both House and Senate, shared a common goal and that was a commitment, yes, to reaching a deal but to reaching a deal that was in the best interests of the ratepayers of New Hampshire. At literally three minutes to five on Friday afternoon, we signed off on a Committee of Conference report that, in fact, I believe is in the best interests of ratepayers. There are three major changes from the version that we passed here two weeks ago. I'm going to tell you about the changes in the merger language, Rep. MacGillivray will explain the differences in the ratepayer benefits and Rep. Bradley will explain the significance of the changes in exit-fee language. With respect to the merger language, several weeks ago we stood before you and debated whether or not, if PSNH was acquired, the legislature should have final approval over that process. I argued then, and, in fact, I still believe today, that it is the legislature's job to set policy and it is the Public Utilities Commission's job to carry out that policy. In line with that, Senate Bill 472 sets a public interest standard of review for any PSNH merger or acquisition. Also, Senate Bill 472 mandates that no acquisition premium that is paid when acquiring PSNH may, in any way, increase rates from what they would have been without a merger premium. In the House version that we passed a couple of weeks ago, we actually had a formula for capturing synergy savings. Those, as Rep. Gilmore talked about, are the administrative savings that some times occur when companies merge. In fact, we had a specific formula in the House version for capturing those. But, in line with what I just said about the legislature's job being to set policy, and also upon the recommendation of our legislative consultant, Richard Silkman, the Committee of Conference removed that formula. In place we put specific language that recognizes the extraordinary benefits of securitization. If PSNH is acquired, the PUC may approve that merger or acquisition if it results in customers receiving a just and reasonable sharing in those synergy savings. Rep. Bradley mentioned that e-mail that many of you have received from Craig Benson of Cabletron and, in fact, in that e-mail he supports the changes that we made to the merger because he, too, believes that this is a better process and that customers may actually end up with more savings. Dr. Silkman suggested that, in fact, it is entirely possible that in a Commission proceeding ratepayers could actually experience greater merger related savings over time than he had built in to his previous rate path. I believe that we should support the Committee of Conference amendment for several reasons. First, in the near term, we will have lower rates. Second, in the longer term, we will have customer choice and competition. Also in the longer term, there is a potential for future further rate reductions if there is a higher sale price for the sale of the generation assets, from savings from any renegotiated wood-to-energy or trash-to-energy power contracts and also from sharing of the merger savings that I just talked about. Lastly, a sig-

nificant portion of stranded costs that we've been debating about over the last years have to do with Seabrook. I actually think, personally, that the most significant benefit of Senate Bill 472 and the consequent competition will be that the risks of electric generation, what got us into this trouble in the first place, will shift from the backs of the ratepayers where they have been to the backs of the investors where I think they belong. Tony Buxton, who is the legal consultant for the legislature on this issue, wrote a letter in support of the final version and I just want to quote what he said about this. He said: "There will be no more Seabrooks for New Hampshire, ever." Finally, I just want to address one concern that I have heard repeatedly, that is, that in 1989 the legislature made a mistake and Lord knows we don't want to repeat that mistake, but I would suggest to you that in 1989 there was almost no legislative involvement. We assured NU that they would recover the acquisition payment and, in fact, we guaranteed seven years of rate increases. Now, in the year 2000, there has been extensive legislative involvement. We have hired, the legislature has hired, legal and utility consultation and that will result in \$4.5 million or over \$4.5 million in ratepayer benefits, not ratepayer giveaways. And, it will result in rate decreases, not rate increases. I urge you strongly to support the Committee of Conference report because I believe that it is time that the PSNH ratepayers of New Hampshire share in the benefits of electric restructuring. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Vaughn, you may inquire.

Rep. Vaughn: Thank you very much, indeed, Madam Speaker. The gentle lady from Portsmouth has put long hours into the night working, along with her cohorts on Science and Technology, to bring fruition to a solution. However, in 1989 there was some input and partaking of the negotiations by the legislature. Here again, we are going to wed, for 12 years, a commitment which at best, at best, is a hope, a hope. This legislation, like many I've seen, is based on the political hope and expediency that we have found a solution. This is not the solution. I would ask you to join me in voting in opposition to Senate Bill 472. I wonder if my good colleague from Portsmouth would answer if she really believes this is going to be a solution at the end of 12 years and we will see a reduction in rates which she has promised?

Rep. Norelli: Thank you, Representative Vaughn. I would answer your question with a question. If you had a \$4,000 debt to pay would you rather pay back \$4,000 at a particular interest rate or would you rather pay back \$3,000 at a lower interest rate? Thank you.

Speaker Sytek: Would the member yield to another question? Rep. Rose, you may inquire.

Rep. Rose: Representative, the PUC in the docket has it that affiliates can bid on the generating sale auction and the amendment to bill 472 says that they can't. How is this going to be straightened out?

Rep. Norelli: Thank you for the question, Representative. Actually, the legislation supercedes the Commission's final order. In the legislation, PSNH or any of its affiliates or potential affiliates will not be allowed to bid on any generation assets. In addition to that, we go a step further. They will also not be able to bid on any transition service.

Rep. Rose: Would you, and just forget about a lot of this stuff, who do you think is going to get the most out of this agreement or whatever you want to call it in the long run? Is it the ratepayers or is it the big greedy corporations who want this bail out?

Rep. Norelli: Well, Representative, I would answer you that it is the Public Utilities Commission's job to actually balance the interests of ratepayers and the utility. But, as the legislature, we are not under that obligation to necessarily insure the wholeness of PSNH and, therefore, I believe, that we have had the ability to make sure that we have protected the rights of all the ratepayers.

Rep. Rose: Representative, you didn't answer my question. As a person looking at this situation, and looking at the fact that it is 12 years like the Representative from Portsmouth said, and we don't know how things are going to go, do you think that this, greedy, I think, corporation is going to benefit 98 percent of this agreement and we will get two percent? What do you think of that?

Rep. Norelli: Representative, I would disagree with that.

Rep. MacGillivray: Madam Speaker, ladies and gentlemen, I rise in support of the Committee of Conference report on Senate Bill 472. Let me first thank everyone who was so kindly and so attentive two weeks ago when I was barely able to speak. I am very grateful for your careful attention at that time. I'm here to talk about the numbers in this legislation. Two weeks ago, we promised you that we would fight for \$474 million, \$474 million that the company hadn't agreed to and was in front of the PUC trying to argue that the dollars ought to be counted differently than any sensible person would try to count them. This could have led to a considerable amount of litigation,



of disagreement and, more importantly, of delay. What we have today is not just an agreement to \$474 million in customer savings, most of it in stranded costs write-offs, some of it in a few other forms. What we have is a list of specific actions that the company has agreed to and that our consultant, not theirs, has agreed to, in fact, under most future scenarios, add up to \$450 million. This way we don't keep fighting in front of the Public Utilities Commission with the creative accountants of Public Service over how much certain things are and aren't worth. We have specific actions they have agreed to take and if you make any sort of reasonable assumptions and tote them up it comes out to something pretty close to or maybe a little more than \$450 million. I agree with our consultant. PSNH has agreed to these and the legislation calls on them to walk into the PUC by a month from now and confirm that they agree to these actions. Once we have that agreement, the process will go forth more quickly and we will be able to get to real savings. \$450 million is a lot of money. We might get something close to that from litigation, fighting a rate case and getting something resembling the PUC best case, but it would come many years from now. The bulk of the savings is another \$300 to \$350 million that comes from refinancing the outstanding debt. Ladies and gentlemen, we are currently paying these costs. We will be paying them for a long time to come. But it is better to pay a smaller number of dollars with a lower interest rate than a larger number of dollars with a higher interest rate. You don't need a lot of education to see that advantage. It is there for every PSNH ratepayer and most of that money comes from having these bonds held by bondholders and not stockholders and there is a savings not only in the amount paid, but also in the amount of taxes paid. Now, if you want to push the red button and send more PSNH ratepayer dollars to Washington, D.C. and the Internal Revenue Service, be my guest. I won't be joining you. There is a lot of money to be saved and we don't get it with delay. We don't get it with litigation. People have said maybe we could do another \$100 or \$200 million better with litigation. Well, first, the delay will cost you most, if not all, of the \$300 million of refinancing savings. So, I'm supposed to turn down \$300 million that is real and verifiable as well as possibly lose some of the \$450 million that PSNH has agreed to in order to get another \$100 or \$200 million that will be accompanied by \$200 or \$250 million of lost refinancing savings? We'd need some awful good lawyers to prevail in an awful hurry for that to work. Now, you may think that you'd rather have PSNH running more of the state's economy for a longer period of time. I'd rather get them out of as much of this business as soon as possible. I'd rather see their company shrunk to a small fraction of what it is now. I'd rather take a bird in the hand even if it has a couple fewer feathers on it than last week's bird, rather than the promise of three-quarters of a bird that we might get over in the bush. A couple of people have asked about constitutionality. Every one of these costs that we are now paying is something we are paying today. Every single one of these dollars we're paying today. How can it be unconstitutional to take dollars you are paying now, pay fewer of them at a lower interest rate? If that is unconstitutional there is something wrong with people's understanding of constitutional. Competition. People have asked why is there no competition in the rest of New England. It is because people were in such a hurry to get so-called competition going that in most states they gave the company 100 percent of their stranded costs. Some calculations in at least one of those states say they gave them more than 100 percent but I'm not really sure about that. But, they also set a price of electricity so low that you can't possibly compete with it. But, in those states, the lost money between what they're pricing electricity at today and what we are pricing electricity at in the real market will get added to their bills three or four years from now. Ladies and gentlemen, we have spent the last six months listening to this argument regarding the original proposed settlement here in New Hampshire. Those prices started off lower than market. We were told by everybody that those prices were too low and what did we do? We raised the ceiling. We raised the ceiling far enough that our consultant even believes that during the first nine months or so, when there is only a small surplus of electricity in the New England market and not the much larger one that will occur in the next two or three years as the gas plants under construction or in the permitting pipeline get built, we will see competition because we have not set the price below market and all we have done is set a price ceiling. If some of the other folks are right and we set our ceiling too high, it will make no difference to customers. The transition service price nine months through 33 months won't be higher than the market price. We are building gas plants in New Hampshire. We have some of the best statutes in New England for getting plants permitted. Our plants are permitted. What we are waiting for is permission to hook the plants up to the grid. It only takes the two plants, currently permitted but awaiting out-of-state approvals, to produce enough



electricity to meet about 90 or 95 percent of New Hampshire's needs. That doesn't even count all the plants we have that are already producing more electricity than New Hampshire consumes. We are doing our share in terms of getting plants built. Ladies and gentlemen, we're paying these costs now. This is an opportunity to pocket sizeable refinancing savings as well as get a reasonably good deal from a utility that wanted a couple of things that we gave out to them only after they had given us what we wanted. The guarantee for 12 years of people paying certain parts of these charges is simply a guarantee that everybody who hasn't gone off the grid and would have been paying these charges anyway is going to pay this money to certain people before other people, but their total bills will be lower. That doesn't sound like a very bad guarantee from the point of the ratepayer. The real winner in this deal is the ratepayer. PSNH gets some things they want. They write-off or put up things of value totaling \$450 million to get that. The ratepayer sees 15 percent today. The ratepayer will see more reductions as the wood-fired power plants finish burning our money five or eight years from now, a further reduction about seven years from now of 15 percent or so when an entire pot of these costs gets eaten by PSNH if they haven't already been paid by then, and another 15 percent or so 12 or 13 years from now. That's my kind of a rate path, multiple 15 percent reductions. We have been digging into this issue for six years. Our consultants have helped us over the last six months to dramatically improve a settlement that was proposed to us that was only partially in the right direction. We have listened to our critics and done much of what they have asked. We are ready to say this is about the best we are going to do. We're going to get it faster than we thought two weeks ago and it's going to add up to a lot of money and be a lot better than the alternatives for every PSNH ratepayer under virtually every scenario that anyone can imagine, including the one where our lawyers start winning and their lawyers start losing. Ladies and gentlemen, I hope I can convince you to join us in supporting the Committee of Conference report on Senate Bill 472. Thank you.

Speaker Sytek: Will the member yield to a question? Rep. Phinizy, you may inquire.

Rep. Phinizy: Thank you, Madam Speaker. I would like to ask the honorable colleague how he justifies that we are going to be making any kind of savings or we're going to be any better off trading Northeast Utilities/Public Service Company of New Hampshire for Consolidated Edison which is really a mastodon compared to a rhinoceros?

Rep. MacGillivray: It is not our job; it is not our authority to say who the holder of 100 percent of the stock of PSNH can sell it to. That is a right, carefully enshrined in federal law, that these holdings can be sold to other people. However, what we have is an almost unprecedented agreement by Northeast Utilities that in the event that PSNH or its parent company, NU, or any other combination of them is merged, acquired or sold, that we are legally entitled by an agreement from them to share significantly in the savings that result to customers. We had originally been led to believe that we should put a number into our bill to capture a tenth of a cent a kilowatt hour, about one percent for five years. We thought that would add up to \$30 or \$40 million. That was based on early testimony in front of the Commission that said there would be \$1.33 billion savings over 10 years. PSNH represented three or four percent of that. Ladies and gentlemen, we have heard more testimony, we have been told that the number is correct but that PSNH's share is more like eight percent over, \$100 million, and if a significant fraction of that goes to the customers we will be much better off than \$30 or \$40 million. We have words that PSNH has agreed to, they agree that we are entitled to a significant share of those savings and it is up to the PUC to adjudicate that and give us a just and reasonable share of those savings. I think between those words and the history of the PUC that we should do very well indeed.

Speaker Sytek: Will the member yield to another question? Rep. Gilmore, you may inquire.

Rep. Gilmore: Thank you, Jeff. Thank you, Madam Speaker. Jeff, one thing you said when you were speaking, that we're building the gas plants now. I live on the seacoast and one of the two plants that are permitted is in Newington and the other, I believe, you are referring to is Londonderry. I don't notice any construction going on. And are you going to guarantee that the several hundreds of millions of dollars that it is going to cost to build these plants are actually allocated and construction is going to begin once the ISO determines that they may hook up to the grid?

Rep. MacGillivray: No one can guarantee what any commercial outfit is going to do, but currently a couple of plants under construction in New England, part of the New England power pool and thus contributing to alleviating the current tight supply of electricity, should be finished by the end of this year and a few more already started construction should be ready by the end of next year.

Neither Newington nor Londonderry has gotten the permission to hook up to the grid yet. Until that happens, I do not expect these two specific plants to actually put the shovel in the ground and start digging. But, the Londonderry plant has people now before the state facility site evaluation committee giving testimony as to why the gas pipeline from Dracut to Londonderry should be expanded to provide the additional gas needed to run that plant. Companies don't invest millions of dollars in plans if they don't think there is a reasonable chance that they are going to go through with the rest of it. In other parts of New England, as soon as they have gotten permission to connect to the grid they have put the shovel in the ground and started building the plant. We have our state permits in place, we await only ISO/New England, New England Power Pool, whatever they call themselves this week, to get their act together and finish their job of approving the connection and then I expect to see shovels in the ground in New Hampshire.

Rep. Gilmore: The plants you referred to are in southern New England and ConEd, which will be the buyer/owner of PSNH, PSNH of course will only have 3 percent of their load, what guarantees can you give to this body that the power from those plants would actually flow towards north and not south where 97 percent of the ConEd demand/load is? Why would it flow up here?

Rep. MacGillivray: Well, for one thing, ConEd is not buying those plants. ConEd is buying the transmission and distribution system, the wires and poles of Northeast Utilities and Public Service of New Hampshire. And, yes, that merger might get closed on before they finish selling off the existing power plants. But there is an agreement to sell them. It will go forward and we've seen about how long these sales take and generally from the time that you have the permission to go forward with the sale, it takes somewhere between nine and 12 months, so we should expect to see those plants sold some time next summer or fall. That's not that long from now. As far as where the power goes, New Hampshire today exports power. When these new plants are built in southern New England, it will let us shift where some of our power is exported to. Less of it will be exported south; more of it will be exported north. When our additional plants get built, the plant in Londonderry will primarily serve an area that imports power from elsewhere in New Hampshire, the area between Manchester and Nashua and Salem and the area around Lowell and Lawrence, Mass. as well. What will happen when these plants are built is that more of the seacoast power will be shipped north and south from there. When the plants are built most of that power will stay in New England if for no other reason than that there is very little ability to move power back and forth between New England and New York. There are very few heavy duty connections between these two power pools.

Rep. Gilmore: In actuality, Rep. MacGillivray, wouldn't you say that with the congestion problem that exists up here and that with the economic realities, that where the power will really flow will be where these plants can get the greatest dollar? So that if the transmission grid allows and the price is the greatest in New Hampshire it will flow this way but that if the price is greater down south than it would probably flow down south. Isn't that really the reality?

Rep. MacGillivray: In reality, for several years now, there has been more or less one price of electricity in the New England power pool because it doesn't cost that much to move electricity from one side of New England to the other. Occasionally, there are congestion problems on one side or the other of a line between northern New England and southern New England, but with plants being built on our side of the line that means that our prices might be lower but they won't be higher. Electricity will flow back and forth across the region and we'll all be paying about the same price for electricity because that's the way clever businesses sell their products and with ease of movement of electricity across New England they'll sell it to whoever the high bidder is and there will be approximately one price for New England.

Speaker Sytek: Will the member yield to another question? Rep. Marple, you may inquire.

Rep. Marple: Thank you, Madam Speaker. The question that I would like to have resolved is the securitization, so-called. My understanding is that this will enable Public Service to refinance the bonds that they have at a higher rate now. These bonds would be reduced by virtue of a reduction in the proceeds that those bonds are paying now. My question is this: Is this an enrichment to the stockholder of Public Service by virtue of a reduction in the amount of interest that is going to be paid on the bonds and, therefore, would increase the dividends that are being paid to the stockholders of Public Service by virtue of this securitization? That's the point that I'm getting at. In other words, if this is an enrichment of stockholders at the expense of the ratepayers, then I would think

that perhaps it would be in conflict with Article 83 of Part 2 of our constitution because Public Service is a private corporation and this states that you cannot enhance the personal profits of a private corporation. That's a monopoly. Would you care to answer that?

Rep. MacGillivray: I thank my colleague for his fine question. As a good conservative Republican who has spoken against a lot of spending from this podium, I share his desire that we don't want PSNH to make any more money than they need to. What we are doing here with this refinancing is we are taking a lot of the debt of PSNH and a lot of the stock of PSNH and retiring it. Under utility law, as long as PSNH has \$700 million of stock equity in this state, we are required to pay them or make it possible for them to attempt to earn a just and reasonable return on every one of the 700 million dollars. What we are going to do is, instead of letting them earn a return for the next umpteen years on that money, we are going to give it back to them and tell them they'll have to find somebody else to invest it in to pay their stockholders returns. We're going to borrow the money from somewhere else and pay a much lower interest rate. Ladies and gentlemen, if you want PSNH to have the opportunity to earn \$80 or \$90 million a year on \$700 or \$800 million of equity, push the red button. If you want them to have the opportunity to earn \$15 million a year on \$150 million of equity, push the green button.

Speaker Sytek: Would the member yield to another question? Rep. Chase, you may inquire.

Rep. Chase: Thank you, Madam Speaker. Thank you, Representative. I'm trying to make up my mind on this bill. I agree with some of the things you have said and I haven't heard any clear statement, once again, on how I, perhaps as a person taking advantage of new technology and investing in it during the next 10 or 12 years, might be able to start a self-generating plant and even afford my neighbor the chance of using that plant. Would I still be responsible for my portion of the stranded costs? Would there be any exit fees associated with my self-generation?

Rep. MacGillivray: Thank you for your question. This is a topic that Representative Bradley is going to take so I am going to let him answer most of that and you can ask your question again of him, if you wish. But, the short answer is that the only people that will be obligated to pay these rate reduction bonds are people that are still attached to the public utility grid and still receiving power from the public utility grid and only on the amount they take from the public utility grid. Anyone, who under today's law gets off and self-generates or joint-generates and isn't a public utility, stops paying those charges and under Senate Bill 472 the exact same people pay the exact same amount. Zero. When you leave the public utility grid you stop paying these charges. The guarantee is only on the people still connected and still paying utility charges and as a result the only people that are guaranteed to pay this money are people that would be paying this money anyway. I'll let Representative Bradley answer the details of the exit fee language in more detail.

Rep. Bradley: Thank you very much, Madam Speaker. I'm glad that Representative MacGillivray gave the short answer to the question that Representative Chase asked. The short answer is "no." But, I did want to mention something about technology. I'm sure most of you, Madam Speaker, remember prior to 1984, Mother Bell and the innovation that a monopoly brought to us. We were to get any color telephone we wanted as long as it was black and after disbanding the monopoly, things have dramatically changed. Technology has improved and I would argue that for the most part, our lives have improved with it. Yes, we have telemarketers and yours truly has learned to answer every telemarketer with the same six words, "I'm eating 24 hours a day." I know it looks that way. Sorry. And the other downside is we've had to ban cell phones that ring from the floor of the House, but for the most part, the revolution and technology in the telecommunications industry has been fantastic. So, the last thing we'd want to do is ever impede what has been an historic right for you and I to generate our own electricity. We give, in this legislation, no more rights to utilities than exist today and no less rights to their customers to generate electricity. These are key terms in section B-4 of this legislation. The use of the word "person," that is intended to allow, if there is in the future competitive service for billing and/or metering and there was a proposal in New Hampshire for that several years ago, to collect the charges that are defined in this bill as retail electric service, which is, as has already been explained, when you take power from the wires then you pay a wires charge. And, if in the future there is competitive metering and billing, there has to be some entity to collect that charge under the provision of retail electric service. No more rights for the utility and no less rights for the utility. No exit fees. This language has been the most scrutinized language in the entire bill. PSNH has agreed to it and so have all of the interests that are very concerned about exit fees. We've heard some discussion this morning, moving on to my next



subject, about how we're locking in rates for 12 years. If you recall what I talked about two weeks ago, I would submit to you that today we are locked in to the full freight rates that have been, until just recently, the highest in the nation. Every day, every month, every year, every dollar we've been locked in. We're locked in under the rate agreement. We can fight whether it is a contract or whether it's something else, it's called the rate agreement. Under that verbiage, we are to buy the output of the Seabrook power plant until the year 2026 when it is at the end of its 40-year life span and is meant to be decommissioned. Locked in today to the highest rates in the nation today. You've received this morning some hand outs, a green handout and a yellow handout, purporting in these hand outs some of the positions of some of the interveners at the PUC. As I tried to answer Representative Alger's question, some of those groups are enthusiastic supporters of Senate Bill 472. Cabletron — I hope you've all read their e-mail — we've been passing it out on the floor for those of you who are not on line, is an enthusiastic supporter. I'm not going to quote from it unless somebody asks me to. The BIA with their lists of various organizations including one of the other interveners, Freedom Partners, which is the business of Mr. Jim Rotier, who is the grandfather of deregulation in this state, who brought the original suit in 1994 and 1995 challenging the monopoly of PSNH. And lastly, because we need a strong presence for residential ratepayers, Michael Holmes, the Consumer Advocate, is now supporting this bill and you should have a letter in your mailbox on that. The other interveners, I'll first start with Great Bay, which is a joint owner of Seabrook and is an exempt wholesale generator, is objecting to this settlement because they want you to pay their decommissioning costs. They have no captive customers and they've never collected decommissioning costs from customers. They've had to do it from the market. They've known that since they bought that slice of Seabrook. Nothing changes for them, they are looking for a subsidy. The other interveners have filed under the banner of the Campaign for Ratepayers Rights with a legal brief that enumerates two themes: number one, stranded cost recovery is an added surcharge to your bill; and, number two, that it is a bailout of a failed company. Well, let's look at that and I'm going to use two examples. Example number one, the situation with the independent power plants. We had deals that were reached between PSNH and those plants several years ago which would have saved \$155 million of customer money over the life of those rate orders. Unfortunately, the PUC wanted a better deal, presumably they wanted to close those plants down. They only approved one. We passed a bill for securitization to finance that and we could have taken over and approved all six. The bill passed the House, was killed in the Senate by some of the same people urging you to vote no today. Those deals, then, were worth \$155 million. Today, if we were successful in dusting those deals off, renegotiating them, if they are indeed negotiable, would, on a good day, in my estimation and in the estimation of our consultant, probably be worth no more than \$100 million. Lost value. Lost money. Who's being bailed out? Who's being surcharged when we pay the full freight? It's our customers, our constituents and the customers of PSNH. The second example is the securitization example. The settlement modeled January 1<sup>st</sup> as a start date for securitization of \$725 million. The Commission approved it at \$688 million six months later. Senate Bill 472 reduces it to \$670 million using October 1<sup>st</sup>. What's happening? Is that money just evaporating? Poof and it's gone? No. Every PSNH customer is paying that money, full freight, every day, every month, every dollar. If there is a better deal out there and people believe that we should hold on and continue to fight all to the United States Supreme Court, be prepared for losing what you have in front of you today or least a significant portion of that \$450 million. As I told you two weeks ago, it's not. There are those who would like more. But, I would tell you that given the history that we have had for 25 years, this is a pretty good deal. It lowers rates 15 percent and it implements competition and that's why the vast majority of people who have intervened at the Public Utilities Commission are supporters of Senate Bill 472. They recognize, as I think members of the Science, Technology and Energy Committee as well as the Senate conferees do, that this is not 1989 all over again. This deal has been scrutinized and analyzed. It has been dissected and it has been perfected as much as we possibly can. I would ask you to end this troubled history today. End the fact that we've been paying among the highest rates in the nation today. Implement competition and turn a very important corner in this process. I would urge you to join me and push the green button. Thank you.

### REGULAR CALENDAR (CONT'D.)

#### COMMITTEE OF CONFERENCE REPORT ON SB 132

Committee of Conference Report on SB 132, an act requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory commit-



tee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge.

Recommendation:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sens. Below, Dist. 5; Trombly, Dist. 7 and Krueger, Dist. 16.

Conferees: Reps. Royce, Ches. 9; Whalley, Merr. 5; Downing, Rock. 26 and. Cooney, Rock. 26  
Reps. Rosenfield and Spang spoke against.

Rep. Whalley spoke in favor and yielded to questions.

Rep. Royce spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

## YEAS 173 NAYS 165

### YEAS 173

#### BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Pilliod, James
Rice, Thomas	Rosen, Ralph	Russell, David	Thomas, John
Turner, Robert	Wendelboe, Francine		

#### CARROLL

Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Kenney, Joseph
Lyman, L Randy	Patten, Betsey	Sullivan, P Judith	

#### CHESHIRE

Avery, Stephen	Hunt, John	Manning, Joseph	Roberts, William
Rose, William	Royce, H Charles	Smith, Edwin	

#### COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Woodward, David	

#### GRAFTON

Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Marshall, Gene	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

### HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Durham, Susan	Dwyer, Paul Sr
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Gagnon, Eugene	Goley, Jeffrey	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Johnson, Lionel	Kurk, Neal	LaRose, Richard
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McDonald, James Sr	McGough, Tim	McRae, Karen	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	Nolan-Piteri, Dawn
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Reeves, Sandra
Rowe, Robert	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Wall, Nancy	White, Donald		

**MERRIMACK**

Anderson, Eric  
Kennedy, Richard  
Maxfield, Roy

Davis, Francis  
Langer, Ray  
Whalley, Michael

Feuerstein, Martin  
Marple, Richard  
Whittemore, James

Hoadley, Elizabeth  
Marshall, Kenneth

**ROCKINGHAM**

Beaulieu, Jon  
Christie, Andrew Jr  
Dalrymple, Janeen  
Flanagan, Natalie  
Gibbons, Paul  
Henderson, Warren  
Katsakiores, Phyllis  
McKinney, Betsy  
Nowe, Mary Lou  
Priestley, Anne  
Stickney, Nancy  
Weare, Everett

Belanger, Ronald  
Clark, Vivian  
Dowling, Patricia  
Flanders, David  
Gleason, John  
Hutchinson, Karen  
Letourneau, Robert  
Mikowski, Walter  
Nowe, Ronald  
Raynowska, Bernard  
Stritch, C Donald  
Welch, David

Bishop, Franklin  
Cooney, Richard  
Downing, Michael  
Flanders, John Sr  
Grant, Kenneth  
Johnson, Robert  
Lovejoy, Marian  
Moore, Benjamin  
Noyes, Richard  
Rubin, George  
Tufts, J Arthur  
Whittier, John

Case, Margaret  
Cox, Russell  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Major, Norman  
Morse, Charles  
Packard, Sherman  
Ruffner, Walter  
Varrell, Thomas  
Zolla, William

**STRAFFORD**

Bickford, David  
Dunlap, Patricia

Callaghan, Frank  
McKinley, Robert

Cossette, Larry  
Woods, Phyllis

Domingo, Baldwin

None

**SULLIVAN****NAYS 165****BELKNAP**

Millham, Alida

**CARROLL**

Babson, David Jr

Philbrick, Donald

**CHESHIRE**

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara

Blaisdell, Michael  
Lynch, Margaret  
Mitchell, McKim  
Riley, William

Burnham, Daniel  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

**COOS**

Landers, Dana

**GRAFTON**

Almy, Susan  
Hall, David

Copenhaver, Marion  
Johnson, Gary

Densmore, Jessica  
Nordgren, Sharon

Guest, Robert  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Bergeron, Lucien  
Cote, Peter  
Drabinowicz, A Theresa  
Garrish, Linda  
Hall, Betty  
Konys, Christine  
Leishman, Peter  
McColgan, Philip Jr

Arthur, Rose  
Buckley, Raymond  
Craig, James  
Ford, Nancy  
Ginsburg, Ruth  
Herman, Richard  
LaPorte, George  
Leonard, Peter  
McDonough-Wallace, Alice

Baroody, Benjamin  
Clemons, Jane  
Curran, James  
Foster, Linda  
Gorman, Mary  
Jean, Claudette  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold

Batula, Peter  
Cote, David  
Dokmo, Cynthia  
Franks, Suzan  
Haettenschwiller, Alphonse  
Keye, Harvey  
Lefebvre, Roland  
McCarthy, William  
Mendenhall, Leslie

Messier, Irene  
 Pepino, Leo  
 Sargent, Maxwell  
 Williams, Carol

Moriarty, Mary  
 Peterson, Andrew  
 Simon, Anthony

Murphy, Robert  
 Reidy, Frank  
 Vaillancourt, Steve

O'Connell, Timothy  
 Sarette, John  
 White, John

### MERRIMACK

Bouchard, Candace  
 Fortnam, Janet  
 Hager, Elizabeth  
 Leber, William  
 Poulin, Dave  
 Seldin, Gloria  
 Wallner, Mary Jane

Brewster, Richard  
 Fraser, Marilyn  
 Hess, David  
 Lockwood, Priscilla  
 Reardon, Tara  
 St Cyr, Gerard  
 Yeaton, Charles

Chase, George  
 French, Barbara  
 Jacobson, Alf  
 Moore, Carol  
 Rodd, Beth  
 Virtue, Carolyn

Daneault, Gabriel  
 Gile, Mary  
 Larrabee, David Sr  
 Potter, Frances  
 Rosenfield, Jay  
 Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
 DiFruscia, Anthony  
 Kelley, Jane  
 Langone, John  
 Pitts, Jacqueline  
 Sabella, Norma  
 Splaine, James

Blanchard, MaryAnn  
 Griffin, Mary  
 Kelley, William  
 Norelli, Terie  
 Putnam, Ed II  
 Sapareto, Frank  
 Vaughn, Charles

Bridle, Russell  
 Hutchinson, Rebecca  
 Kobel, Rudolph  
 O'Keefe, Patricia  
 Quandt, Marshall  
 Shelton, Richard  
 Weatherspoon, Jackie

Clark, Martha  
 Kane, Cecelia  
 Langley, Jane  
 O'Neil, Michael  
 Reardon, Neil  
 Shultis, Elizabeth  
 Weyler, Kenneth

### STRAFFORD

Berube, Roger  
 Estabrook, Iris  
 Johnson, Nancy  
 Lent, Donald  
 Smith, Marjorie  
 Torr, Franklin

Brennan, William  
 Gilmore, Gary  
 Kaen, Naida  
 Pelletier, Arthur  
 Snyder, Clair  
 Twardus, Joseph

Brown, George  
 Grassie, Anne  
 Keans, Sandra  
 Rogers, Rose Marie  
 Spang, Judith  
 Vachon, Dennis

Brown, Julie  
 Heon, Richard  
 Knowles, William  
 Rollo, Michael  
 Taylor, Kathleen  
 Wall, Janet

### SULLIVAN

Allison, David  
 Leone, Richard  
 Wiggins, Celestine

Burling, Peter  
 Phinizy, James  
 Young, David

Cloutier, John  
 Robb-Theroux, Amy

Donovan, Thomas Jr  
 Tuthill, John

and the report was adopted.

### COMMITTEE OF CONFERENCE REPORT ON SCR 6

Committee of Conference Report on SCR 6, a resolution urging the President and Congress to address the challenge of high prescription medication prices.

#### Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees: Sens. Wheeler, Dist. 21; Klemm, Dist. 22 and Hollingworth, Dist. 23.

Conferees: Reps. Fields, Hills. 18; Tufts, Rock. 20; McDonough-Wallace, Hills. 41 and Priestly, Rock. 26.

Rep. Quandt spoke against.

Rep. Fields spoke in favor.

Adopted.

### RECESS

(Speaker Sytek in the Chair)

### ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 733 and 1377 and Senate Bills 330, 334, 397, 401, 458 and 469.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

### CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

### CONSENT CALENDAR

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

Rep. Chandler moved that the Consent Calendar of Committee of Conference Reports on House Bills, as printed and distributed, be adopted.

**HB 725-L**, relative to rulemaking under the administrative procedures act, removed by Rep. Mercer. Consent Calendar Committee of Conference reports on House Bills was adopted by the necessary two-thirds.

**HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. (Report printed SJ 5/31/00)

Rep. Coughlin declared a conflict of interest and did not participate.

**HB 505**, establishing a special license plate for veterans. (Report printed SJ 5/31/00)

**HB 618-FN-A**, establishing a voucher program for smoking cessation. (Report printed SJ 5/31/00)

**HB 713-FN**, relative to penalties for multiple DWI offenses. (Report printed SJ 5/31/00)

**HB 1212**, relative to extending the reporting date of the open adoption study committee. (Report printed SJ 5/31/00)

**HB 1329**, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee. (Report printed SJ 5/31/00)

**HB 1463**, making technical corrections related to the mental health system and guardianship hearings. (Report printed SJ 5/31/00)

**HB 1464**, relative to the licensing process for new health care facility construction. (Report printed SJ 5/31/00)

**HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. (Report printed SJ 5/31/00)

**HB 1563-FN-L**, establishing the Wolfeboro Airport Authority. (Report printed SJ 5/31/00)

**HB 1569-FN**, requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state. (Report printed SJ 5/31/00)

**HB 1570-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. (Report printed SJ 5/31/00)

**HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections. (Report printed SJ 5/31/00)

**HB 1573-FN**, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor. (Report printed SJ 5/31/00)

**HB 1579-FN**, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act. (Report printed SJ 5/31/00)

**HB 1589**, prohibiting the use of genetic testing for certain insurance policies. (Report printed SJ 5/31/00)

**HB 1621**, allowing administrative home confinement for habitual offenders. (Report printed SJ 5/31/00)

### REGULAR CALENDAR

#### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 97**, relative to the right to farm. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

**HB 226-L**, establishing municipality bond payment schedules and percentages. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

**HB 228**, clarifying permissible political expenditures. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.



**HB 413**, relative to the renovation of regional vocational education centers, and making an appropriation therefor. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

**HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. (Report printed SJ 5/31/00)

Adopted by the necessary two-thirds.

### CLERK'S NOTE

The constitutionally required two-thirds of the membership was declared present.

**HB 553-FN-A**, establishing a commission on the status of men. (Report printed SJ 5/31/00)

On a division vote, 176 members having voted in the affirmative and 94 in the negative, the report was adopted.

**HB 648-FN**, relative to a sludge testing program. (Report printed SJ 5/31/00)

Adopted.

**HB 690-FN-L**, relative to charter schools and open enrollment districts. (Report printed SJ 5/31/00)

Adopted.

**HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Report printed SJ 5/31/00)

Adopted.

**HB 1188-FN-L**, relative to alternative kindergarten programs. (Report printed SJ 5/31/00)

Adopted.

**HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Report printed SJ 5/31/00)

Adopted.

**HB 1198**, establishing a procedure for the 2001 voter checklist verification. (Report printed SJ 5/31/00)

**HB 1202**, making technical corrections to 1999, 17 as amended and relative to filing and mailing procedures in the administration and appeal of state and local taxes. (Report printed SJ 5/31/00)

On a division vote, 180 members having voted in the affirmative and 111 in the negative, the report was adopted.

**HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Report printed SJ 5/31/00)

Adopted.

**HB 1414**, authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards. (Report printed SJ 5/31/00)

Adopted.

**HB 1418-FN-L**, relative to mercury-containing products. (Report printed SJ 5/31/00)

Adopted.

**HB 1471**, relative to the department of employment security's power to approve building projects. (Report printed SJ 5/31/00)

Adopted.

**HB 1504**, relative to submission of biennial budget estimates by agencies. (Report printed SJ 5/31/00)

Adopted.

**HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits. (Report printed SJ 5/31/00)

Reps. Dickinson, Virtue and Sabella spoke against.

Rep. Stickney spoke in favor.

Reps. Millham and Goulet spoke in favor and yielded to questions.

Rep. Virtue requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

**YEAS 204 NAYS 122**

**YEAS 204****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Russell, David  
Wood, Jane

Boriso, Thomas  
Millham, Alida  
Thomas, John

Czech, Stanley  
Rice, Thomas  
Turner, Robert

Holbrook, Robert  
Rosen, Ralph  
Wendelboe, Francine

**CARROLL**

Bradley, Jeb  
Sullivan, P Judith

Chandler, Gene

Kenney, Joseph

Patten, Betsey

**CHESHIRE**

Avery, Stephen  
McGuirk, Paul  
Royce, H Charles

Doucette, Richard  
Meader, David  
Smith, Edwin

Hunt, John  
Richardson, Barbara  
Zerba, Roger

Lerandeau, Alfred  
Robertson, Timothy

**COOS**

Davis, Perley

Gallus, John

Merrill, Gerald

Woodward, David

**GRAFTON**

Alger, John  
Dudley, Terri  
LaMott, Paul  
Picconi, Al

Almy, Susan  
Eaton, Stephanie  
Marshall, Gene  
Scanlan, David

Brothers, Richard  
Ham, Bonnie  
Nordgren, Sharon  
Ward, Brien

Cobb, John  
Hinman, Harry  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Calawa, Leon Jr  
Curran, James  
Dwyer, Paul Sr  
Fields, Dennis  
Gagnon, Eugene  
Hansen, Herbert  
Johnson, Lionel  
Lozeau, Donnalee  
McGough, Tim  
Moriarty, Mary  
O'Connell, Timothy  
Reeves, Sandra  
Thulander, O Alan

Arnold, Thomas Jr  
Belvin, William  
Chabot, Robert  
Dalianis, Griffin  
Dyer, Merton  
Flora, Kathleen  
Goley, Jeffrey  
Herman, Keith  
Konys, Christine  
Martel, Andre  
Melcher, Harold  
Mosher, William  
O'Hearn, Jane  
Rowe, Robert  
Turgeon, Roland

Arthur, Rose  
Bergin, Peter  
Clegg, Robert Jr  
Drabinowicz, A Theresa  
Emerton, Lawrence  
Foster, Linda  
Goulet, Maurice  
Holley, Sylvia  
LaRose, Richard  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Pappas, Marc  
Sarette, John  
White, Donald

Baroody, Benjamin  
Brundige, Robert  
Craig, James  
Durham, Susan  
Fenton, James  
Franks, Suzan  
Haettenschwiller, Alphonse  
Jean, Claudette  
Lasky, Bette  
McDonough-Wallace, Alice  
Moran, Edward  
Nolan-Piteri, Dawn  
Peterson, Andrew  
Tate, Joan  
Withee, Dennis

**MERRIMACK**

Anderson, Eric  
Feuerstein, Martin  
Hess, David  
Leber, William  
Potter, Frances  
Seldin, Gloria

Brewster, Richard  
Fortnam, Janet  
Hoadley, Elizabeth  
Lockwood, Priscilla  
Reardon, Tara  
Wallner, Mary Jane

Chase, George  
French, Barbara  
Jacobson, Alf  
Maxfield, Roy  
Rodd, Beth  
Whalley, Michael

Davis, Francis  
Gile, Mary  
Kennedy, Richard  
Moore, Carol  
Rosenfield, Jay

**ROCKINGHAM**

Beaulieu, Jon  
Clark, Martha  
DiFruscia, Anthony  
Flanders, John Sr  
Hamel, Albert

Blanchard, MaryAnn  
Clark, Vivian  
Dowling, Patricia  
Francoeur, Sheila  
Henderson, Warren

Bridle, Russell  
Cooney, Richard  
Downing, Michael  
Gleason, John  
Hutchinson, Rebecca

Christie, Andrew Jr  
Cox, Russell  
Flanagan, Natalie  
Griffin, Mary  
Johnson, Robert

Kane, Cecelia  
 Letourneau, Robert  
 Nowe, Mary Lou  
 O'Neil, Michael  
 Quandt, Marshall  
 Shultis, Elizabeth  
 Stritch, C Donald  
 Welch, David

Kobel, Rudolph  
 Major, Norman  
 Nowe, Ronald  
 Packard, Sherman  
 Raynowska, Bernard  
 Splaine, James  
 Tufts, J Arthur  
 Weyler, Kenneth

Langley, Jane  
 Morse, Charles  
 Noyes, Richard  
 Pitts, Jacqueline  
 Sapareto, Frank  
 Stickney, Nancy  
 Weare, Everett  
 Whittier, John

Langone, John  
 Norelli, Terie  
 O'Keefe, Patricia  
 Priestley, Anne  
 Shelton, Richard  
 Stone, Joseph  
 Weatherspoon, Jackie  
 Zolla, William

### STRAFFORD

Bickford, David  
 Dunlap, Patricia  
 Knowles, William  
 Rollo, Michael  
 Wall, Janet

Callaghan, Frank  
 Johnson, Nancy  
 Lent, Donald  
 Smith, Marjorie  
 Woods, Phyllis

Cossette, Larry  
 Kaen, Naida  
 McKinley, Robert  
 Torr, Franklin

Domingo, Baldwin  
 Keans, Sandra  
 Rogers, Rose Marie  
 Tsiros, William

### SULLIVAN

Burling, Peter

Leone, Richard

Robb-Theroux, Amy

### NAYS 122

### BELKNAP

Lawton, David

Pilliod, James

### CARROLL

Babson, David Jr

Dickinson, Howard

Lyman, L Randy

Mock, Henry

### CHESHIRE

Batchelder, Robert  
 Lynott, Margaret  
 Pratt, John

Burnham, Daniel  
 Manning, Joseph  
 Riley, William

DePecol, Benjamin  
 Mitchell, McKim  
 Roberts, William

Lynch, Margaret  
 Pratt, Irene  
 Rose, William

### COOS

Guay, Lawrence

Horton, Lynn

Landers, Dana

Pratt, Leighton

### GRAFTON

Copenhaver, Marion  
 Johnson, Gary

Gilman, G Michael  
 Solow, Martha

Hall, David  
 Weber, Phil

Harmon, Hobart

### HILLSBOROUGH

Ahern, Richard  
 Buckley, Raymond  
 Cote, David  
 Desmarais, Vivian  
 Ginsburg, Ruth  
 Hunter, Bruce  
 LaPorte, George  
 MacGillivray, Jeffrey  
 McRae, Karen  
 Pepino, Leo  
 Wall, Nancy

Andrews, Frederick  
 Carlson, Donald  
 Cote, Peter  
 Dokmo, Cynthia  
 Gorman, Mary  
 Jean, Loren  
 Lefebvre, Roland  
 McCarthy, William  
 Mendenhall, Leslie  
 Reidy, Frank  
 White, John

Beaupre, Roland  
 Christiansen, Lars  
 Daigle, Robert  
 Ford, Nancy  
 Hall, Betty  
 Keye, Harvey  
 Leishman, Peter  
 McColgan, Philip Jr  
 Messier, Irene  
 Simon, Anthony  
 Williams, Carol

Bergeron, Lucien  
 Clemons, Jane  
 Daniels, Gary  
 Garrish, Linda  
 Herman, Richard  
 Kurk, Neal  
 Leonard, Peter  
 McDonald, James Sr  
 Milligan, Robert  
 Vaillancourt, Steve

### MERRIMACK

Asplund, Bronwyn  
 Langer, Ray  
 Soltani, Tony  
 Whittemore, James

Bouchard, Candace  
 Larrabee, David Sr  
 St Cyr, Gerard  
 Yeaton, Charles

Daneault, Gabriel  
 Marple, Richard  
 Virtue, Carolyn

Fraser, Marilyn  
 Marshall, Kenneth  
 Wallin, Jean

# ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Fesh, Robert
Gibbons, Paul	Grant, Kenneth	Hutchinson, Karen	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Putnam, Ed II	Reardon, Neil
Rubin, George	Ruffner, Walter	Sabella, Norma	Varrell, Thomas
Vaughn, Charles			

# STRAFFORD

Brennan, William	Brown, George	Pelletier, Arthur	Pelletier, Marsha
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis

# SULLIVAN

Allison, David	Cloutier, John	Donovan, Thomas Jr	Phinizy, James
Tuthill, John	Wiggins, Celestine	Young, David	

and the report was adopted.

Rep. Bruno declared a conflict of interest and did not participate.

**HB 1611**, recodifying the state's DWI laws. (Report printed SJ 5/31/00)

Adopted.

**HB 1617-FN**, relative to suspension of a driver's license for sufficient cause. (Report printed SJ 5/31/00)

Adopted.

**HB 1622**, eliminating the requirement that a deputy town clerk have his or her domicile within the town. (Report printed SJ 5/31/00)

Adopted.

**HB 2000-FN-L**, relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects. (Report printed SJ 5/31/00)

Rep. Leber spoke against and yielded to questions.

Rep. Konys spoke in favor and yielded to questions.

Reps. Cloutier and Calawa spoke in favor.

Rep. Leber requested a roll call; sufficiently seconded.

The question being the adoption of the Committee of Conference report.

# YEAS 254 NAYS 72

# YEAS 254

# BELKNAP

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Millham, Alida
Pilliod, James	Russell, David	Thomas, John	Turner, Robert

# CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Sullivan, P Judith

# CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meador, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Roberts, William	Robertson, Timothy	Royce, H Charles	Zerba, Roger

# COOS

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Pratt, Leighton	Woodward, David	



**GRAFTON**

Alger, John	Brothers, Richard	Cobb, John	Copenhaver, Marion
Dudley, Terri	Eaton, Stephanie	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	Johnson, Gary	LaMott, Paul	Marshall, Gene
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Solow, Martha	Ward, Brien		

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Franks, Suzan	Gagnon, Eugene
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Herman, Richard	Holley, Sylvia	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lozeau, DonnaLee	MacGillivray, Jeffrey	Martel, Andre
McCarthy, William	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	McRae, Karen	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sarette, John	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, Donald
White, John	Withee, Dennis		

**MERRIMACK**

Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Hess, David	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Larrabee, David Sr	Lockwood, Priscilla
Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Potter, Frances	Reardon, Tara	Rosenfield, Jay	Wallin, Jean
Whalley, Michael			

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Blanchard, MaryAnn
Case, Margaret	Christie, Andrew Jr	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
McKinney, Betsy	Mikowski, Walter	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Quandt, Marshall	Raynowska, Bernard	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weatherspoon, Jackie
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

**STRAFFORD**

Brown, George  
Knowles, William  
Snyder, Clair

Cossette, Larry  
Pelletier, Arthur  
Taylor, Kathleen

Domingo, Baldwin  
Pelletier, Marsha  
Wall, Janet

Johnson, Nancy  
Rogers, Rose Marie  
Woods, Phyllis

**SULLIVAN**

Allison, David  
Leone, Richard  
Wiggins, Celestine

Burling, Peter  
Phinzy, James  
Young, David

Cloutier, John  
Robb-Theroux, Amy

Donovan, Thomas Jr  
Tuthill, John

**NAYS 72****BELKNAP**

Rice, Thomas

Rosen, Ralph

Wendelboe, Francine

Wood, Jane

**CARROLL**

Dickinson, Howard

**CHESHIRE**

Doucette, Richard

Rose, William

Smith, Edwin

**COOS**

Merrill, Gerald

**GRAFTON**

Almy, Susan

Gilman, G Michael

Hall, David

**HILLSBOROUGH**

Andrews, Frederick  
Foster, Linda  
Moran, Edward  
Williams, Carol

Batula, Peter  
Hall, Betty  
Moriarty, Mary

Buckley, Raymond  
Hunter, Bruce  
O'Connell, Timothy

Dwyer, Paul Sr  
Melcher, Harold  
Reidy, Frank

**MERRIMACK**

Anderson, Eric  
Chase, George  
Leber, William  
Virtue, Carolyn

Asplund, Bronwyn  
Gile, Mary  
Seldin, Gloria  
Wallner, Mary Jean

Bouchard, Candace  
Hager, Elizabeth  
Soltani, Tony  
Whittemore, James

Brewster, Richard  
Hoadley, Elizabeth  
St Cyr, Gerard  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Kelley, William  
O'Keefe, Patricia  
Ruffner, Walter  
Weare, Everett

Fesh, Robert  
Major, Norman  
Pitts, Jacqueline  
Sabella, Norma

Henderson, Warren  
Moore, Benjamin  
Putnam, Ed II  
Splaine, James

Hutchinson, Karen  
Norelli, Terie  
Rubin, George  
Vaughn, Charles

**STRAFFORD**

Bickford, David  
Kaen, Naida  
Rollo, Michael  
Twardus, Joseph

Brennan, William  
Keans, Sandra  
Smith, Marjorie  
Vachon, Dennis

Callaghan, Frank  
Lent, Donald  
Torr, Franklin

Dunlap, Patricia  
McKinley, Robert  
Tsaros, William

**SULLIVAN**

None

and the report was adopted.

**HB 725-L**, relative to rulemaking under the administrative procedures act. (Report printed SJ 5/31/00)

Adopted.

**HB 628**, relative to the relocation of the principal residence of a child. (Report printed SJ 5/31/00)  
 Rep. Irene Pratt spoke against.  
 Rep. Ward spoke in favor and yielded to questions.  
 Rep. Wallin spoke against and yielded to questions.  
 Reps. Dowling and Lozeau spoke in favor.  
 Rep. Dowling requested a roll call; sufficiently seconded.  
 The question being the adoption of the Committee of Conference report.

**YEAS 165 NAYS 158****YEAS 165****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	Wood, Jane

**CARROLL**

Bradley, Jeb	Chandler, Gene	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey		

**CHESHIRE**

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meador, David	Richardson, Barbara	Roberts, William
Royce, H Charles	Smith, Edwin		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Merrill, Gerald	Pratt, Leighton	Woodward, David

**GRAFTON**

Alger, John	Cobb, John	Dudley, Terri	Gilman, G Michael
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Marshall, Gene	Picconi, Al	Scanlan, David	Ward, Brien

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Baroody, Benjamin	Batula, Peter
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Clegg, Robert Jr
Craig, James	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Gagnon, Eugene	Ginsburg, Ruth	Goulet, Maurice	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Johnson, Lionel	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
Melcher, Harold	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Peterson, Andrew	Rowe, Robert
Sarette, John	Tate, Joan	Turgeon, Roland	Withee, Dennis

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Feuerstein, Martin	Gile, Mary	Hess, David	Larrabee, David Sr
Leber, William	Lockwood, Priscilla	Marshall, Kenneth	Whalley, Michael

**ROCKINGHAM**

Arndt, Janet	Belanger, Ronald	Case, Margaret	Christie, Andrew Jr
Clark, Vivian	Cooney, Richard	Dowling, Patricia	Downing, Michael

Fesh, Robert  
Gibbons, Paul  
Henderson, Warren  
Letourneau, Robert  
Noyes, Richard  
Raynowska, Bernard  
Stone, Joseph  
Welch, David

Flanagan, Natalie  
Gleason, John  
Katsakiores, George  
Lovejoy, Marian  
O'Neil, Michael  
Ruffner, Walter  
Tufts, J Arthur  
Whittier, John

Flanders, John Sr  
Griffin, Mary  
Katsakiores, Phyllis  
Major, Norman  
Packard, Sherman  
Sapareto, Frank  
Varrell, Thomas  
Zolla, William

Francoeur, Sheila  
Hamel, Albert  
Langone, John  
Morse, Charles  
Priestley, Anne  
Splaine, James  
Weare, Everett

## STRAFFORD

Bickford, David  
Knowles, William

Cossette, Larry  
Lent, Donald

Domingo, Baldwin  
McKinley, Robert

Johnson, Nancy

## SULLIVAN

Leone, Richard

Robb-Theroux, Amy

Young, David

## NAYS 158

## BELKNAP

Boyce, Robert

Lawton, David

Rice, Thomas

Wendelboe, Francine

## CARROLL

Babson, David Jr

Dickinson, Howard

Sullivan, P Judith

## CHESHIRE

Batchelder, Robert  
Lynott, Margaret  
Pratt, John  
Zerba, Roger

Burnham, Daniel  
McGuirk, Paul  
Riley, William

DePecol, Benjamin  
Mitchell, McKim  
Robertson, Timothy

Lynch, Margaret  
Pratt, Irene  
Rose, William

## COOS

None

## GRAFTON

Almy, Susan  
Hall, David  
Solow, Martha

Brothers, Richard  
Johnson, Gary

Copenhaver, Marion  
Nordgren, Sharon

Eaton, Stephanie  
Phinney, William

## HILLSBOROUGH

Ahern, Richard  
Bruno, Pierre  
Cote, David  
Dwyer, Paul Sr  
Garrish, Linda  
Herman, Richard  
Jean, Loren  
Lasky, Bette  
McDonough-Wallace, Alice  
Moriarty, Mary  
Thulander, O Alan  
White, John

Andrews, Frederick  
Buckley, Raymond  
Cote, Peter  
Fenton, James  
Goley, Jeffrey  
Holley, Sylvia  
Keye, Harvey  
McCarthy, William  
McRae, Karen  
Reeves, Sandra  
Vaillancourt, Steve  
Williams, Carol

Arthur, Rose  
Christiansen, Lars  
Curran, James  
Foster, Linda  
Gorman, Mary  
Hunter, Bruce  
Kony, Christine  
McColgan, Philip Jr  
Mendenhall, Leslie  
Reidy, Frank  
Wall, Nancy

Beaupre, Roland  
Clemons, Jane  
Daigle, Robert  
Franks, Suzan  
Hall, Betty  
Jean, Claudette  
Kurk, Neal  
McDonald, James Sr  
Messier, Irene  
Simon, Anthony  
White, Donald

## MERRIMACK

Chase, George  
Fraser, Marilyn  
Jacobson, Alf  
Maxfield, Roy  
Rosenfield, Jay  
Wallin, Jean

Daneault, Gabriel  
French, Barbara  
Kennedy, Richard  
Moore, Carol  
Seldin, Gloria  
Wallner, Mary Jane

Davis, Francis  
Hager, Elizabeth  
Langer, Ray  
Potter, Frances  
Soltani, Tony  
Whittemore, James

Fortnam, Janet  
Hoadley, Elizabeth  
Marple, Richard  
Reardon, Tara  
Virtue, Carolyn  
Yeaton, Charles



**ROCKINGHAM**

Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn
Clark, Martha	Cox, Russell	DiFruscia, Anthony	Grant, Kenneth
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
McKinney, Betsy	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
O'Keefe, Patricia	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Rubin, George	Sabella, Norma	Shelton, Richard	Shultis, Elizabeth
Stickney, Nancy	Stritch, C Donald	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			

**STRAFFORD**

Brennan, William	Brown, George	Callaghan, Frank	Dunlap, Patricia
Kaen, Naida	Keans, Sandra	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Torr, Franklin	Tsiros, William	Twardus, Joseph
Vachon, Dennis	Wall, Janet	Woods, Phyllis	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Phinizy, James	Tuthill, John	Wiggins, Celestine	

and the report was adopted.

**RECOGNITION OF REP. PAUL I. LAMOTT**

Rep. Loren Jean moved that the remarks of Speaker Sytek and Rep. LaMott be printed in the Journal. Adopted.

Speaker Sytek: There is one person here that I would like to give special attention to today because he is not running again. The Dean of the House, Paul LaMott, is an institution here. It has been said that he knows more about the budget than anybody in the state. He has forgotten more than I ever knew about the budget. Paul, your service has been admirable. We are sorry that we are not going to have the wisdom that you have accumulated. He knows where all the dirt is in the budget. I hope he'll be available on a consulting basis as he retires to Haverhill and takes all he knows with him. We have a special proclamation recognizing you as the Dean of the House and thanking you for your 15 terms of service.

Rep. LaMott: I'd like to express my thanks, Madam Speaker, to you and the members. I would like to tell you this: I'm finishing my 30<sup>th</sup> year in this chamber and I think that you can see by the fact that I am, that I'm a firm believer in term limits. You know, you limit the terms to when you think you are going to be elected or whether you no longer feel you are doing any good. I guess perhaps I think I might get elected once more but I don't think I would do any good. I want to thank you all that are present and thank all of the people who have been members for the many kindnesses and courtesies that have been extended to me through the years. It has been a wonderful experience. If it hadn't been, I sure wouldn't have been here that long. I also want to express my appreciation for how the members help the new members coming in. Those of you who are not running again, help your replacement understand what it is all about. It takes a while to get acclimated and to understand the process. It takes a while to understand the system and it takes quite a little while to shift from the local community to a state-wide operation. Help them, please. And thank you again for the help you have given me. Thank you so much and may every success follow you the rest of your years, too.

Rep. Sytek: Rep. LaMott waited all those years for Dan Healy to retire so that he could be Dean of the House. I'm glad that he finally got to be Dean of the House, even if only for one term.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and when the House adjourns today it be to meet at the Call of the Chair.

Adopted.

## LATE SESSION

### UNANIMOUS CONSENT

Reps. Chandler, Burling, Letourneau, Keith Herman Bruno, Rice, Sabella, Weyler, Henderson and Speaker Sytek addressed the House.

Rep. Avery moved that the remarks made by Reps. Chandler and Burling be printed in the Journal. Adopted.

Rep. Chandler: Thank you very much, Madam Speaker. Being as this is our last official day, although we will be coming back at least once more to deal with a little unfinished business, I would first like to thank all the members of the Majority party for their help, assistance, advice and help during my term as Majority Leader. I've learned a lot and it is through the cooperation of all the members of this party and, as I said, their help and advice that has helped me and I certainly appreciate that. It has also been a great pleasure to work with the Democratic Leader and his whole leadership team and all the members of the Democratic Party. Obviously, it's just the way things are. We obviously have a number of philosophical differences here and there but we also do a lot of common good and I think that evidence of that is some of the bigger bills that have passed this session. It has been very pleasurable working with the Democratic Leader. I do want to leave him with one parting gift. This is a book that has been offered by the Chairman of the Commerce Committee as a present to the Democratic Leader. What it is, it is full of tips on the whys, wherefores, how-tos and whens, particularly to move reconsideration. Although there will be others more eloquent than I following to speak about the person, about the person I am going to speak to, I would be remiss if I didn't take a few moments to thank my boss, the Speaker, for having faith and appointing me to this position. It has been a great pleasure to work with her and gain a tremendous amount of advice from her. I can tell you that there has been no one that I have ever been associated with in this House that has worked harder for the people of the State of New Hampshire and I say that with all sincerity and wish her the best in her future endeavors.

Rep. Burling: First, I think it is only fair to say that since the book is utterly blank I can only assume that I am never again to move reconsideration. This was, of course, a conclusion I had already reached by myself. Madam Speaker, on behalf of the Democratic Caucus there are a few words I would like to say. It has been a privilege. You have been determined, courageous, kind, a bitter opponent occasionally, a great friend, an understanding voice and a truly determined Speaker. Determined in the best interests of the House, determined to find the right course. It has been a truly wonderful experience working with you and I would ask my Democratic colleagues to rise and give you a round of applause.

Rep. Daniels moved that the remarks made by Rep. Henderson be printed in the Journal. Adopted.

Rep. Henderson: Thank you, Madam Speaker. I've never taken the floor for Unanimous Consent during my three terms here and I do so now to express my heartfelt sentiment, to add my voice, in honor of a fellow member. When Donna Sytek was first elected Speaker she asked me to serve on her leadership team, so I began my second term in the House as Majority Whip. It turned out to be quite a challenge. Not everybody agreed that that was the best move that she ever made but it gave me a great opportunity. Serving in that position gave me great insights into government, issues and politics which few get to see first hand. Serving in House leadership also gave me the chance to see from all angles one of New Hampshire's most devoted public servants, Speaker Donna Sytek. I had the great privilege to work side-by-side with Donna Sytek on a daily basis for three years. I hope I never forget what a wonderful experience it was. Speaker Sytek never asked more of anyone else than she was willing to give herself and she gave all she had. She was often among the first ones in and always the last to leave. She tried always to keep an open door and an open mind. In fact, Donna would routinely anguish over how to help reconcile conflicting points of view among members when she felt that each had merit. She worked hundreds of hours each year trying to answer every letter and even e-mail, not only from members but from the general public as well, because the government belongs to us all. But Donna Sytek's devotion to duty cannot be measured merely by hours or effort. Because of her years of experience, her vast knowledge of the issues, past and present, and her vision of history and our place within it, Speaker Sytek's counsel was routinely sought by House members of both parties, by the Senate, by executive agencies and by the Governor herself. Donna could pull out any volume of statute and instantly find the right citation to answer the question at hand with the graceful precision of a preacher with well-worn bible. Yet,

she would never hesitate to simply say, "I don't know but I'll try to find the answer." Donna Sytek's reputation for exceptional legislative ability wasn't restricted to New Hampshire alone. While I was in leadership I had occasion to accompany Speaker Sytek to national legislative meetings from time to time. Without fail, leaders from across the country would stand in line, if necessary, to welcome our Speaker to their gatherings. They recognized, as we do, that Donna Sytek is a walking encyclopedia of legislative history, wisdom and perspective and their faith that Donna Sytek would make a valuable contribution to their proceedings was always well placed. Now, Donna's terms as Speaker were not without their bumps and bruises. The criticisms of Speaker Sytek tended to center on four themes: number one, the Speaker was too partisan; number two, the Speaker wasn't strict enough; number three, the Speaker was too strict; and number four, the Speaker wasn't strict enough. But Speaker Sytek knew what we all know, that you just can't please everyone. All you can do is believe in the process, believe in yourself and give it your best shot. Through the years, I've seen Donna Sytek from many different perspectives. Some time ago, I was a county commissioner while Donna chaired the delegation, a few tense moments in those days. I've seen her from the front row and lately from the back bench. From every perspective, Donna Sytek is in an embodiment of grace under pressure, perseverance, courage in the face of adversity, respect and dedication. My legislative service may end this year and I would be remiss if I did not publicly state how profound and meaningful an impact that Speaker Sytek has had on my time here in the House. For all you have given to New Hampshire, Madam Speaker, we are for ever in your debt.

Rep. John Flanders moved that the remarks made by Speaker Sytek be printed in the Journal. Adopted.

Speaker Sytek: I want to thank you all for your lovely words today. I want to thank you for the opportunity to be your presiding officer. I see my job as to allow the group to do what it needs to get done. I think of what a privilege it is for everyone of us in this hall to serve the people of our state, to shape the government that they are going to live under, that we are going to live under, to determine the legacy that we are going to leave our kids and our grandkids. Our actions in this all do that. What a privilege it is for all of us to be able to participate in that. As I leave, I think of the privilege I've had of serving with all of you and the many people in previous legislatures that I have learned from. I sat down there for many years before I was the presiding officer and I was an observer of what worked and what didn't work. I had some wonderful people to guide me and be good examples. I have served with some giants of legislators who taught me the values that I brought to this job. I didn't come here without having thought about all aspects of what it means to be the Speaker of the House, what it means to be a member of this legislature, without being influenced by everybody I ever served with. I thank all of them and I thank you for shaping me as I came to serve here as your Speaker. I thank especially the members I have been privileged to serve with who are members of the greatest generation. I think of Bob Murphy, who I sat next to for six years and he never told me he landed at D-Day. I think of Charlie Vaughn who is a POW. I think of Alf Jacobson when he reminds us every year of what it was like to be on Iwo Jima. That generation and those of you who are members of that generation that I've gotten to serve with has had such a profound effect on the value I place on public service and it has been a real privilege to serve with you. To my colleagues that I've had private conversations with about medical problems a lot of you are serving in a great deal of pain or have had surgeries or have had medical conditions that you have to live with on a daily basis. Having been a fellow traveler lately, I have a lot of compassion for that and I know that you serve under difficult circumstances. I wish I could give everybody a parking space close to the door. I really wish I could because I know how important it is when it is tough to walk. So, my fellow travelers, fellow sufferers, you know the special bond that we have. To my Republican friends of all varieties, when I talk about the House I say it takes all kinds and we've got them. It's been a challenge to keep you all together and most of the time when we figured out how to work together, it kind of was satisfying. It took us a while to get there. To my wonderful Democratic friends across the aisle, led by your most eloquent and articulate Democratic Leader. There are very few people in the House who can appreciate Peter's vocabulary but I love a guy who says words I need to look up. So, you have a fan right here. So, all of you have shaped the person that I am. It is a wonderful privilege to have been your presiding officer. We have one more day, but this is the day that we said we would finish our work and we have and it is very satisfying. In a couple of terms that didn't have a lot of satisfaction it's nice that we finished our work on time and can go out with a smile and say that we did the best we could with the



ability we had to bring people together to serve them and remember what a privilege it is to serve all the future generations of this state by what we do today. Thank you for letting me your presiding officer.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of enrolled bill amendments, enrolled bill reports and receiving the report of the Judiciary Committee pursuant to HR 50, only. Adopted.

The House recessed at 5:10 p.m.

### RECESS

(Rep. Robert Johnson in the Chair)

### ENROLLED BILL AMENDMENTS

**HB 1240**, requiring the department of health and human services and insurers to make prompt payments.

#### Amendment (4762-EBA)

Amend RSA 420-J:8-a, III(b) as inserted by section 5 of the bill by replacing line 3 with the following: action against a carrier for payment of the claim.

Adopted.

**SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund and making an appropriation therefor. (Amendment printed SJ 5/31/00)

Adopted.

**SB 308**, relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts. (Amendment printed SJ 5/31/00)

Adopted.

**SB 383**, requiring the department of health and human services and insurers to make prompt payments. (Amendment printed SJ 5/31/00)

Adopted.

**SB 393**, relative to single producer licensing. (Amendment printed SJ 5/31/00)

Adopted.

**SB 409-FN**, relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants. (Amendment printed SJ 5/31/00)

Adopted.

**SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault. (Amendment printed SJ 5/31/00)

Adopted.

**SB 422-FN**, relative to the housing security guarantee loan program. (Amendment printed SJ 5/31/00)

Adopted.

**SB 445-FN**, relative to methadone maintenance treatment. (Amendment printed SJ 5/31/00)

Adopted.

**SB 446**, relative to the integration of information technology at the state, county and municipal levels. (Amendment printed SJ 5/31/00)

Adopted.

**SB 450-FN**, prohibiting the importation of tobacco products that violate federal law. (Amendment printed Js 5/31/00)

Adopted.

**SB 459**, relative to uninsured or underinsured motorist insurance coverage. (Amendment printed SJ 5/31/00)

Adopted.

### RECESS

(Rep. Keith Herman in the Chair)

### ENROLLED BILL AMENDMENT

**SB 471**, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying



certain annual meetings in Newfields and Milan; and relative to amending the Hampton Beach village district charter. (Amendment printed SJ 5/31/00)  
Adopted.

RECESS

(Rep. Kurk in the Chair)

**ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 553, 1106, 1202, 1240, 1369 and 1563 and Senate Bills 97, 128, 136, 302, 308, 324, 328, 338, 349, 363, 368, 375, 378, 389, 403, 409, 413, 415, 419, 424, 428, 445, 464, 468 and 471.

Rep. Lozeau, Sen. Disnard for the Committee

RECESS

(Rep. Dickinson in the Chair)

**ENROLLED BILL AMENDMENT**

**SB 472**, relative to final authorization of electric rate reduction financing and commission action. (Amendment printed SJ 5/31/00)

Adopted.

RECESS

(Speaker Sytek in the Chair)

**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill 472

Rep. Burling, Sen. D'Allesandro for the Committee

RECESS

(Rep. Ronald Nowe in the Chair)

**ENROLLED BILL AMENDMENTS**

**SB 135-FN**, relative to water supply land protection grants. (Amendment printed SJ 5/31/00)

Adopted.

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. (Amendment printed JS 5/31/00)

Adopted.

**SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission. (Amendment printed SJ 5/31/00)

Adopted.

**SB 353**, relative to sales of insurance by financial institutions. (Amendment printed SJ 5/31/00)

Adopted.

**SB 431**, relative to certain secondary vocational education programs. (Amendment printed SJ 5/31/00)

Adopted.

**SB 436-FN**, relative to revocation of drivers' licenses for causing a fatality, allowing administrative home confinement for habitual offenders, and authorizing certain impaired driver intervention programs for restoration of driving privileges. (Amendment printed SJ 5/31/00)

Adopted.

**SB 439-FN**, relative to motor vehicle offenses resulting in serious bodily injury and relative to driver record information. (Amendment printed SJ 5/31/00)

Adopted.

**SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; and making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001. (Amendment printed SJ 5/31/00)

Adopted.

## RECESS

(Rep. Thomas in the Chair)

## ENROLLED BILL AMENDMENTS

**HB 505-FN**, establishing a special license plate for veterans and allowing certain veterans to be issued special number plates without charge.

**Amendment (4789-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT establishing a special license plate for veterans.

Amend RSA 261:87-b as inserted by section 1 of the bill by replacing line 8 with the following: that shall be in addition to the regular motor vehicle registration fee and any other number plate  
Adopted.

**HB 628**, relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.

**Amendment (4772-EBA)**

Amend section 5 of the bill by replacing line 6 with the following:

reason, including but not limited to illness, to attend or participate in daytime programming. The state  
Adopted.

**HB 713-FN**, relative to ignition interlock systems for certain DWI offenders.

**Amendment (4791-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to ignition interlock systems for certain DWI offenders and increasing the penalty for reckless driving.

Amend the bill by replacing section 4 with the following:

4 Negligent Homicide. RSA 630:3, III is repealed and reenacted to read as follows:

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265:82-e, which shall remain in place for a period not to exceed 5 years.

Adopted.

**HB 725**, relative to rulemaking under the administrative procedures act.

**Amendment (4786-EBA)**

Amend section 8 of the bill by replacing line 3 with the following:

Each agency shall conform to a drafting and procedure manual for rules, developed by the  
Amend paragraph I of section 26 of the bill by replacing it with the following:

I. Section 8 of this act shall take effect upon its passage.

Adopted.

**HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law.

**Amendment (4778-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the eligibility of certain temporary, part-time workers to receive unemployment compensation for services performed for the state or for a charitable organization.

Adopted.

**HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire

**Amendment (4781-EBA)**

Amend the bill by replacing section 5 with the following:

5 State Development Plan. Amend RSA 9-A:1, III to read as follows:

III. The comprehensive development plan shall include:

(a) An analysis of the state's economic condition and needs;

(b) State policies to provide for the orderly economic development of the state; ~~and~~

(c) A statement of specific goals and objectives for state economic development programs[-]; *and*

(d) *Policies to protect and preserve farmland and open space land and to maximize smart growth.*

Amend RSA 9-B:1, 1 as inserted by section 6 of the bill by replacing line 2 with the following: space land is one of the state's most valuable assets, and is necessary for the economy and health  
Adopted.

**HB 1329**, relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.

**Amendment (4788-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, energy performance contract requirements, and the establishment of a gas utility restructuring oversight committee.

Amend section 4 of the bill by replacing line 2 with the following:

Telecommunications Providers. Amend RSA 374 by inserting after section 22-n the following new  
Adopted.

**HB 1414**, authorizing the department of environmental services to discuss with the other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.

**Amendment (4775-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the department of environmental services to discuss with the other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and addressing municipal purchase, construction, or operation of certain fossil fuel facilities.

Adopted.

**HB 1463**, making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of juvenile services officers.

**Amendment (4766-EBA)**

Amend RSA 135-C:19-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. Notwithstanding RSA 329:26 and RSA 330-A:32, a community mental health program or  
Amend section 9 of the bill by replacing lines 2 and 3 with the following:

officer" or "juvenile service officer" with "juvenile probation and parole officer": RSA 169-B:2, VIII(c); 169-B:9, I; 169-B:9-a; 169-B:10, II; 169-B:19, I(j); 169-B:25; 169-B:30;

Adopted.

**HB 1504**, making certain budgetary revisions and technical corrections, increasing certain appropriations to the legislative branch for consultants, relative to establishing the fire standards and

training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines, relative to disclosure of information for purposes of the tax policy modeling system, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

#### **Amendment (4793-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT making certain budgetary revisions and technical corrections, changing the definition of maintenance expenditure relating to the submission of budget estimates by agencies, establishing a committee to study funding for division of fire standards and training firefighter and emergency medical services training, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

Adopted.

**HB 1510-FN**, relative to the licensure of geologists.

#### **Amendment (4787-EBA)**

Amend RSA 310-A:119 as inserted by section 3 of the bill by replacing line 1 with the following:  
310-A:119 Purpose. In order to safeguard life, health, property, and the environment and to promote

Amend RSA 310-A:120, I as inserted by section 3 of the bill by replacing line 3 with the following:  
shall be professional geologists and one of whom shall be a public member. The public member of the board shall be a

Amend RSA 310-A:123 as inserted by section 3 of the bill by replacing line 3 with the following:  
state treasurer. The board may employ such investigators, clerical assistants, and other assistants as are

Adopted.

**HB 1552-FN-A**, establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.

#### **Amendment (4767-EBA)**

Amend section 3 of the bill by replacing line 5 with the following:

I.(a) The director of economic development, under the supervision of the commissioner of  
Amend section 3 of the bill by replacing line 10 with the following:

(b) As primary duties of this initiative, the director shall:

Amend section 3 of the bill by replacing line 18 with the following:

(c) As secondary duties of this initiative, the director shall:

Amend section 3 of the bill by replacing line 20 with the following:  
throughout all parts of the state.

Amend paragraph III as inserted by section 5 of the bill by replacing line 5 with the following:  
be paid to the state treasurer for deposit into the general fund for the purposes of this act.

Adopted.

**HB 1573**, relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation.

#### **Amendment (4770-EBA)**

Amend RSA 152-A:11, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. *Except for automatic external defibrillation pursuant to RSA 153-A:28-31*, a person  
Amend section 4 of the bill by replacing it with the following:

4 New Subdivision; Automatic External Defibrillation; Corrected Codification of Provisions.  
Amend RSA 153-A by inserting after section 27 the following new subdivision:



## Automatic External Defibrillation

153-A:28 Intent.

I. The use of automatic external defibrillators addresses an important public health problem in New Hampshire. It is the intent of the legislature to encourage the use and availability of automatic external defibrillators, along with training in the use of automatic external defibrillators, for the purpose of saving the lives of people in cardiac arrest.

II. Further, the legislature strongly encourages dissemination of educational information regarding automatic external defibrillators and encourages that access to these lifesaving devices be made widely available to businesses, schools, fire and police departments, and other public and private organizations throughout the state.

153-A:29 Definitions. For purposes of this subdivision, "automatic external defibrillator" means a medical device which combines a heart monitor and defibrillator and:

I. Has been approved by the United States Food and Drug Administration;

II. Is capable of recognizing the presence or absence of ventricular fibrillation;

III. Is capable of determining whether defibrillation should be performed; and

IV. Automatically charges and requests delivery of an electrical impulse to an individual's heart, upon determination that defibrillation should be performed.

153-A:30 Every person, association, corporation or other organization that acquires an automatic external defibrillator shall require every individual expected to use the automatic external defibrillator to receive training in cardiopulmonary resuscitation and automatic external defibrillator use.

153-A:31 Liability Limited. Any person who, in good faith and without compensation, renders emergency care by the use of an automatic external defibrillator shall not be liable for civil damages for any acts or omissions unless the acts or omissions were grossly negligent or willful and wanton. Any person, association, corporation or other organization that acquires and maintains an automatic external defibrillator for emergency care shall not be liable for civil damages other than for gross negligence or willful and wanton acts or omissions. This section shall not limit civil liability protection provided by any other law.

5 Repeal. RSA 151-B:25-28, relative to automatic external defibrillation, are repealed.

6 Effective Date. This act shall take effect upon its passage.  
Adopted.

**HB 1579-FN**, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

#### Amendment (4777-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Penalties. RSA 126-K:4, II is repealed and reenacted to read as follows:

Amend RSA 126-K:4, II as inserted by section 1 of the bill by replacing line 11 with the following: violation beyond the fourth, the commission shall revoke any license.

Amend RSA 126-K:5, III as inserted by section 2 of the bill by replacing line 9 with the following: any suspension without a fine shall be 40 consecutive days. For any violation beyond the fourth, the  
Adopted.

**HB 1589**, relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance, and relative to sales of insurance by financial institutions.

#### Amendment (4768-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance and a committee to study the need for standards to protect the privacy of customer information in the financial services industry.

Adopted.

**HB 1611**, relative to liquor liability insurance coverage and retail selling.

**Amendment (4771-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT     relative to retail selling.

Adopted.

**HB 1617-FN**, relative to suspension of a driver's license for sufficient cause.

**Amendment (4784-EBA)**

Amend the title of the bill by replacing it with the following:

AN ACT     relative to suspension of a driver's license for sufficient cause, and establishing a study committee to define the meaning of "misconduct, misuse, or abuse of such driving privileges."

Adopted.

**RECESS****(Speaker Sytek in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bills 383, 393, 422, 446, 450 and 459.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS****(Rep. Keith Herman in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 97, 226, 228, 297, 413, 417, 505, 618, 628, 648, 690, 713, 725, 1188, 1189, 1198, 1259, 1329, 1414, 1418, 1463, 1471, 1504, 1510, 1552, 1569, 1570, 1571, 1573, 1579, 1589, 1611, 1617, 1621, 1622 and 2000 and Senate Bills 135, 153, 226, 323, 353, 431, 436, 439, 448, 449 and 470.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

**RECESS****(Speaker Sytek in the Chair)**

Rep. Lozeau moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 19

Tuesday, June 27, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Compassionate Creator, lover of all, we remember before You the men and women of our country who served in the Korean War, upon a distant shore and in another time. May the years never cloud our memory of their willingness to serve. We especially remember those who gave their lives in the cause of upholding the light of democracy and freedom. Most profoundly, we pray for a world where armed conflict will cease, and where men and women of honorable intentions and good will can negotiate differences peacefully. Until that day help us to defend what is right as we acknowledge our own imperfect sight and national interest. Amen.

Rep. Vaughn led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Blaisdell, Patricia Cote, Ford, Perkins and Searles, the day, illness.

Reps. Bridle, Burkush, Chabot, Chase, Vivian Clark, Cooney, Emerton, Fields. Eugene Gagnon, Gibbons, Glines, Haettenschwiller, Richard Herman, Hoadley, Jane Kelley, Kenney, Kurk, Martin, William McCarthy, O'Keefe, Picconi, Nolan-Piteri, Shultis, Spang and Withee, the day, important business.

Rep. Mikowski, the day, death in the family.

Rep. Lovejoy, the day, illness in the family.

### INTRODUCTION OF GUESTS

Many newly filed candidates for Representative to the General Court, guests of the House. Mr. & Mrs. J. Schraub, guests of Rep. Seldin. Dick Drisko and Carolyn Gargas, guests of Rep. Durham.

### SPECIAL GUESTS

The Girls' Varsity Championship Lacrosse Team from Concord High School, guests of the House. The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 25

Memorializing State Representative Frank M. Schanda of Newmarket

WHEREAS, it is with profound sadness and the deepest of regrets we have learned of the death of our legislative colleague, Frank M. Schanda, who was in his second term serving faithfully his constituents of District 19 of Rockingham County, and

WHEREAS, for the four years of his legislative tenure, Frank M. Schanda, with diligence, competence and great energy, did sit on the Standing Committee on Criminal Justice & Public Safety, and

WHEREAS, having been born in Kingston, New Hampshire, Frank M. Schanda did choose to remain in the State of his roots and did choose to settle in Newmarket where he did serve for twenty-five years as a member of the Board of Selectman, and

WHEREAS, having been possessed of high energy and abundant civic pride, Frank M. Schanda also did serve the citizenry of Newmarket in other capacities, including as Town and School Moderator for twelve years, as Vice Chairman and Chairman of the Housing Commission for seven years, and as Chairman of the Rockingham County Transportation Commission, and

WHEREAS, Frank M. Schanda, for fifty-eight years, was a member of the Robert G. Durgin American Legion Post 67 in Newmarket, and a member of the Lamprey Aerie of Eagles in Newmarket, and

WHEREAS, during World War II, Frank M. Schanda did serve his country as a member of the United States Marines and did see service at the battle for Guadalcanal, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Frank M. Schanda be saluted and granted the highest of accolades for his outstanding legislative service, and his untiring service to Newmarket and his dedicated service to his Country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.  
Unanimously adopted by a rising vote.

### GOVERNOR'S VETO MESSAGE ON HB 235

May 19, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 235, An Act increasing exemptions under the interest and dividends tax.

I am vetoing this legislation because it is fiscally irresponsible and because I believe it would make the interest and dividends tax less fair.

If enacted, this legislation would reduce state general fund revenues by a significant amount, beginning July 1, 2002. This bill would cost the state general fund almost \$9 million in the next biennial budget and approximately \$6 million each year thereafter. This legislation provides no way to pay for that loss of revenue. In passing this bill, the legislature failed to designate the state services it would cut to compensate for this loss of revenue or, in the alternative, to pass a new revenue source to pay for its cost. Instead, H.B. 235 leaves the tough decision of figuring out how to make up for this loss of revenue to a future legislature. H.B. 235 is fiscally irresponsible.

H.B. 235 would also make the interest and dividends tax less fair. RSA 77:5 currently provides four categories of exemptions from the interest and dividends tax - a standard exemption for all persons; an additional exemption for those 65 years of age or older; an additional exemption for those who are blind; and an additional exemption for those who are disabled or unable to work. H.B. 235 increases the standard exemption and the additional exemption for those 65 years of age or older - regardless of the overall income level or need of the individual. Inexplicably, H.B. 235 leaves unchanged the exemption level for the blind and the exemption level for the disabled or those unable to work.

This legislation only benefits those with a significant amount of money invested in accounts that generate interest and/or dividends, and does so regardless of how much income those persons might have from other sources. For example, under H.B. 235 a married couple under 65 years of age with \$200,000 invested in a typical interest-bearing certificate of deposit would obtain a \$60 tax reduction, even if the couple also has \$1 million in income from exercising stock options. In contrast, a widow over 65 years of age with \$75,000 invested in a typical interest-bearing certificate of deposit, and whose only other source of income is Social Security, would obtain absolutely no benefit from H.B. 235.

H.B. 235 provides no benefit to average senior citizens and provides only a minor benefit to even the most wealthy individuals. Yet, the annual cost of this legislation, about \$6 million, is more than twice the amount the State general fund now invests each year in the Meals on Wheels program for senior citizens. It is over three times the amount the State general fund now invests each year in the Veterans' Home. It is over three times the amount the State general fund now invests each year in the Emergency Shelter program.

This legislation is an example of an unfortunate trend in the legislature to pass both tax expenditures and program expenditures outside the biennial budget process. H.B. 235 was pending in the legislature last year when the House and Senate passed the biennial operating budget. This legislation was not conceived this year to deal with a newly discovered problem or emergency. Indeed, similar legislation to this has been introduced repeatedly over the last few years. If the legislature believes that increasing certain exemptions to the interest and dividends tax is a priority, H.B. 235 should have been passed last year and its cost accounted for in the biennial budget. The legislature chose not to do this. Instead, it passed H.B. 235 this year outside the budget process.

I have made it clear for months that I would veto this legislation. I have repeatedly expressed my concerns regarding legislation that would increase expenditures or reduce revenues at a time when we are struggling to find the resources necessary to fund our schools and provide other essential public services. The legislature's continuing refusal to consider the cumulative fiscal impact of individual pieces of legislation is disturbing and unacceptable.

Jeanne Shaheen, Governor



The question being, notwithstanding the Governor's veto, shall **HB 235**, increasing exemptions under the interest and dividends tax, become law?

Reps. Murphy, John Pratt and Jacobson spoke in favor.

As required by the State Constitution, a roll call was taken.

## YEAS 256 NAYS 77

### YEAS 256

#### BELKNAP

Bartlett, Gordon  
Millham, Alida  
Salatiello, Thomas

Boriso, Thomas  
Pilliod, James  
Thomas, John

Boyce, Robert  
Rosen, Ralph  
Turner, Robert

Czech, Stanley  
Russell, David  
Wood, Jane

#### CARROLL

Babson, David Jr  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Howard, Godfrey  
Sullivan, P Judith

Lyman, L Randy  
Torresen, Gary

#### CHESHIRE

Avery, Stephen  
Lynch, Margaret  
Meader, David  
Richardson, Barbara  
Zerba, Roger

Batchelder, Robert  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

Burnham, Daniel  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Rose, William

#### COOS

Davis, Perley  
Landers, Dana  
Woodward, David

Gallus, John  
Merrill, Gerald

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

#### GRAFTON

Akins, Ralph  
Copenhaver, Marion  
Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Alger, John  
Densmore, Jessica  
Guest, Robert  
Phinney, William  
Weber, Phil

Almy, Susan  
Dudley, Terri  
Hall, David  
Scanlan, David

Brothers, Richard  
Eaton, Stephanie  
Johnson, Gary  
Solow, Martha

#### HILLSBOROUGH

Andrews, Frederick  
Beaupre, Roland  
Bruno, Pierre  
Coughlin, Pamela  
Daniels, Gary  
Drabinowicz, A Theresa  
Fletcher, Richard  
Ginsburg, Ruth  
Hall, Betty  
Johnson, Lionel  
Leishman, Peter  
McGough, Tim  
Messier, Irene  
Murphy, Robert  
Reeves, Sandra  
Turgeon, Roland

Arnold, Thomas Jr  
Bergeron, Lucien  
Carlson, Donald  
Craig, James  
Desmarais, Vivian  
Durham, Susan  
Flora, Kathleen  
Gorman, Mary  
Hansen, Herbert  
L'Heureux, Robert  
Leonard, Peter  
McRae, Karen  
Milligan, Robert  
O'Connell, Timothy  
Reidy, Frank  
Vaillancourt, Steve

Arthur, Rose  
Bergin, Peter  
Christiansen, Lars  
Curran, James  
Desrosiers, William  
Dyer, Merton  
Franks, Suzan  
Goulet, Maurice  
Hunter, Bruce  
LaPorte, George  
McColgan, Philip Jr  
Melcher, Harold  
Moran, Edward  
Ouellette, Dean  
Rowe, Robert  
Wall, Nancy

Batula, Peter  
Brundige, Robert  
Cote, Peter  
Daigle, Robert  
Dokmo, Cynthia  
Fenton, James  
Garrish, Linda  
Haley, Robert  
Jean, Claudette  
Lasky, Bette  
McDonough-Wallace, Alice  
Mendenhall, Leslie  
Mosher, William  
Pepino, Leo  
Sarette, John  
White, Donald

#### MERRIMACK

Anderson, Eric  
Daneault, Gabriel

Asplund, Bronwyn  
Davis, Francis

Brewster, Richard  
Feuerstein, Martin

Crosby, Toni  
Fortnam, Janet

Fraser, Marilyn  
Jacobson, Alf  
Lockwood, Priscilla  
Moore, Carol  
Reardon, Tara  
St Cyr, Gerard  
Whittemore, James

French, Barbara  
Langer, Ray  
Marple, Richard  
Owen, Derek  
Rodd, Beth  
Virtue, Carolyn  
Yeaton, Charles

Gile, Mary  
Larrabee, David Sr  
Marshall, Kenneth  
Potter, Frances  
Rosenfield, Jay  
Wallin, Jean

Hager, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
Soltani, Tony  
Wallner, Mary Jane

## ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Letourneau, Robert  
Norelli, Terie  
O'Neil, Michael  
Quandt, Marshall  
Ruffner, Walter  
Splaine, James  
Tufts, J Arthur  
Welch, David

Arndt, Janet  
Case, Margaret  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Hutchinson, Rebecca  
Kobel, Rudolph  
McKinney, Betsy  
Nowe, Mary Lou  
Pitts, Jacqueline  
Rabideau, Marie  
Sabella, Norma  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

Beaulieu, Jon  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Johnson, Robert  
Langley, Jane  
Moore, Benjamin  
Nowe, Ronald  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Stone, Joseph  
Verani, Giovanni  
Zolla, William

Belanger, Ronald  
Dalrymple, Janeen  
Dunham, Vivian  
Francoeur, Sheila  
Hamel, Albert  
Kane, Cecelia  
Langone, John  
Morse, Charles  
Noyes, Richard  
Putnam, Ed II  
Rubin, George  
Shelton, Richard  
Stritch, C Donald  
Weare, Everett

## STRAFFORD

Berube, Roger  
Cossette, Larry  
Gilmore, Gary  
Keans, Sandra  
Pelletier, Marsha  
Snyder, Clair  
Woods, Phyllis

Bickford, David  
DeChane, Marlene  
Grassie, Anne  
McKinley, Robert  
Rogers, Rose Marie  
Torr, Franklin

Brennan, William  
Domingo, Baldwin  
Johnson, Nancy  
Musler, George  
Rollo, Michael  
Twardus, Joseph

Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
Pelletier, Arthur  
Smith, Marjorie  
Wall, Janet

## SULLIVAN

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Wiggins, Celestine

Donovan, Thomas Jr  
Leone, Richard

Flint, Gordon Sr  
Phinizy, James

## NAYS 77

## BELKNAP

Holbrook, Robert

Johnson, James

Wendelboe, Francine

## CARROLL

Bradley, Jeb

Chandler, Gene

Mock, Henry

## CHESHIRE

Hunt, John  
Russell, Ronald

Lerandeau, Alfred  
Smith, Edwin

Roberts, William

Royce, H Charles

## COOS

Mears, Edgar

Tholl, John Jr

## GRAFTON

Cobb, John  
Mirski, Paul

Ham, Bonnie  
Nordgren, Sharon

Harmon, Hobart

Hinman, Harry

**HILLSBOROUGH**

Ahern, Richard	Alukonis, David	Baroody, Benjamin	Belvin, William
Buckley, Raymond	Calawa, Leon Jr	Clegg, Robert Jr	Clemons, Jane
Cote, David	Dalianis, Griffin	Dwyer, Paul Sr	Foster, Linda
Goley, Jeffrey	Holley, Sylvia	Jean, Loren	Keye, Harvey
Konys, Christine	LaRose, Richard	Lefebvre, Roland	Lozeau, Donnalee
MacGillivray, Jeffrey	McCarty, Winston	McDonald, James Sr	Mercer, Robert
Moriarty, Mary	O'Hearn, Jane	Peterson, Andrew	Sargent, Maxwell
Simon, Anthony	Thulander, O Alan	White, John	

**MERRIMACK**

Bouchard, Candace	Hess, David	Kennedy, Richard	Leber, William
Nichols, Avis	Whalley, Michael		

**ROCKINGHAM**

Blanchard, MaryAnn	Clark, Martha	Fesh, Robert	Kelley, William
Major, Norman	Packard, Sherman	Pantelakos, Laura	Vaughn, Charles
Weatherspoon, Jackie			

**STRAFFORD**

Brown, George	Callaghan, Frank	Estabrook, Iris	Heon, Richard
Knowles, William	Lent, Donald	Lundborn, Raymond	Taylor, Kathleen
Vachon, Dennis	Vincent, Francis		

**SULLIVAN**

Burling, Peter

and the veto was overridden by the necessary two-thirds.

Rep. Christie did not vote and wished to be recorded in favor.

Rep. Rice declared a conflict of interest and did not participate.

**REMARKS**

Rep. Solow moved that the remarks made by Rep. John Pratt be printed in the Journal

On a division vote, 179 members having voted in the affirmative and 152 in the negative, the motion was adopted.

Rep. John Pratt: Thank you, Madam Speaker. My remarks are really more generic to a number of the vetoes and I hope, since I only want to make one appearance here today, to address them all at this time. The Governor's Veto Message on House Bill 235 says, "I am vetoing this legislation because it is fiscally irresponsible." She vetoed the legacy and succession tax because it was fiscally irresponsible. She vetoed a tax that would provide funding for juvenile diversions costing one hundred and some odd thousand dollars because it was fiscally irresponsible. She vetoed Senator Pignatelli's bill, which is not before us today but I sure hope will be on the 12<sup>th</sup> which created the family court and added two more counties, a wonderful program, because it was fiscally irresponsible. Madam Speaker, the Governor is quite right when she talks about fiscal irresponsibility, but she has the shoe on the wrong foot. When the history of this session of the New Hampshire Legislature is written, it will show that this has been one of the truly great legislatures in our 200-plus years (and I must add parenthetically, when that history is written, the work of our outgoing Speaker will be in bold print saying she went out with a bang and no whimper.) Madam Speaker, we remember last year. This House and the other body courageously, somewhat unpredictably, passed legislation in response to the Supreme Court's challenge on Claremont, which provided adequate funding for education without bankrupting the general fund of this state (and again, I'd add parenthetically, Madam Speaker, when you are in your rocking chair days I suspect you will look back and say, "That was a great achievement," although at the time I think you had a somewhat different view.) The Governor brought the full weight of her office upon us and we could not concur with the Senate and we were forced to cobble together a budget which we did, which in essence hobbled the state of New Hampshire, not a very sensible policy, cobble and hobble, but that is what we had to do and we did it. But, we did more. We decided to begin the process of imprinting a new DNA,

if you will, upon the state. We said that in the next century we would ask our seniors to bear too heavy a burden by paying too great an interest and dividend tax and due to the courageous leadership of my colleague on the Judiciary Committee from New London, this legislature passed legislation which significantly changed the exemption limits and, I say to you, I think we got it right. And then we took up the legacy and succession tax and we said in the next generation and in the next century it was inherently wrong and unfair to tax one small segment of the people of New Hampshire differently from all the rest and we repealed that tax under the courageous leadership of my colleague from Walpole (and I would just say to you, parenthetically again, I cannot tell you how proud I have been in my service here to have my colleague as my mentor) and, I say to you, we got it just about right. And, when we passed, this House and the other House, the family court reform bill, we were imprinting the Judiciary and making one of the very needed reforms, and we'll see more of them in the year ahead, I have no doubt, but one of the very needed reforms in our Judicial system and I say to you, we got it just about right. And so I urge my colleagues to stay the course, to override these vetoes and set the state on a course of action which will continue to make it proud of us and to make us one of the great legislatures in the history of New Hampshire. Thank you, Madam Speaker.

### GOVERNOR'S VETO MESSAGE ON HB 1548

May 19, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1548, An Act abolishing the death penalty.

I believe that there are some murders that are so brutal and heinous that the death penalty is the only appropriate penalty.

Just three years ago in Colebrook, Carl Drega tracked down and killed Vickie Bunnell. Carl Drega killed Dennis Joos, who tried to save Vickie Bunnell. Carl Drega killed two New Hampshire state troopers, Scott Philips and Leslie Lord. During his shooting rampage, Carl Drega also shot and wounded four other law enforcement officers. The search of Carl Drega's property that followed his bloody rampage revealed hundreds of pounds of booby-trapped explosives designed to kill and maim countless people. If Carl Drega had not been killed that day, I believe an indictment for capital murder would have been appropriate for his cold-blooded, brutal murders.

Our death penalty law carefully safeguards defendants' due process rights. No one has been executed in New Hampshire since 1939. No one sits on death row in this state. Capital indictments have been brought only in the most exceptional cases.

Some who oppose the death penalty argue that DNA testing has shown that innocent people have sat on death row in other states. Some have suggested that the Richard Buchanan case in New Hampshire shows that could happen here. I believe that the Buchanan case proves the exact opposite. After Mr. Buchanan was arrested, but long before trial, DNA testing showed that the evidence found on the body of the victim in that horrible crime could not have come from Mr. Buchanan. Charges against Mr. Buchanan were then dropped and he was released from custody. Indeed, the advent of DNA testing reduces the likelihood that innocent people will be convicted of crimes.

Some who oppose the death penalty argue we cannot trust our criminal justice system and cite examples, all from other states, where those charged with capital murder did not receive adequate defenses or otherwise did not receive a fair trial. This is not true of New Hampshire. New Hampshire has an excellent public defender program and our criminal defense bar is among the best in the country. I have the highest confidence in New Hampshire's criminal justice system and so should every New Hampshire citizen.

Our statute is designed to make the carrying out of the death penalty extraordinarily difficult. Under New Hampshire law, a jury of twelve first must unanimously find beyond a reasonable doubt that the accused committed every element of the charged offense. Then, in a separate sentencing phase, the jury must also unanimously find beyond a reasonable doubt that at least two "aggravating" factors exist, and that the aggravating factors outweigh any "mitigating" factors that may exist. Moreover, our law requires the judge to instruct the jury that regardless of its findings with respect to aggravating and mitigating factors, the jury does not have to impose a death sentence. In any case where the death penalty is imposed, both the conviction and death sentence is subject to an automatic and prompt review by the New Hampshire Supreme Court.



I have listened to the arguments of supporters of this bill. I have read the thoughtful correspondence and materials I have received from both supporters and opponents of this bill, and I have considered the arguments on both sides of this issue with great care. I am respectful of the very sincerely held beliefs of those who oppose the death penalty. But it falls within my duty as governor to act on this legislation based on what I believe is in the best interests of the people of this state, and to the best of my ability, I have done so. I believe our capital murder statute should remain the law in New Hampshire.

Jeanne Shaheen, Governor

### MOTION TO LAY ON THE TABLE

Reps. Sargent and Weatherspoon moved that the Governor's Veto Message on *HB 1548*, abolishing the death penalty, be laid on the table.

Rep. MacGillivray requested a roll call; sufficiently seconded.

### YEAS 134 NAYS 203

#### YEAS 134

##### BELKNAP

Holbrook, Robert	Millham, Alida	Salatiello, Thomas	Wood, Jane
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##### CARROLL

Bradley, Jeb	Mock, Henry
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##### CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	McGuirk, Paul	Meador, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Zerba, Roger		

##### COOS

Landers, Dana	Mears, Edgar	Rodrigue, Robert
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##### GRAFTON

Almy, Susan	Copenhaver, Marion	Guest, Robert	Hall, David
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Phinney, William
Solow, Martha			

##### HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Calawa, Leon Jr	Carlson, Donald	Cote, Peter
Craig, James	Daigle, Robert	Desrosiers, William	Drabinowicz, A Theresa
Foster, Linda	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Hall, Betty	Jean, Loren	Johnson, Lionel
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	McColgan, Philip Jr	Moran, Edward
Moriarty, Mary	Murphy, Robert	Reidy, Frank	Sarette, John
Sargent, Maxwell	Turgeon, Roland	Vaillancourt, Steve	White, John

##### MERRIMACK

Bouchard, Candace	Crosby, Toni	Daneault, Gabriel	Fortnam, Janet
French, Barbara	Gile, Mary	Hager, Elizabeth	Langer, Ray
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

##### ROCKINGHAM

Beaulieu, Jon	Bishop, Franklin	Blanchard, MaryAnn	Clark, Martha
Dunham, Vivian	Hutchinson, Rebecca	Kane, Cecelia	Langley, Jane
Major, Norman	Norelli, Terie	Noyes, Richard	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Sabella, Norma
Splaine, James	Stone, Joseph	Weatherspoon, Jackie	

**STRAFFORD**

Brennan, William	Brown, George	DeChane, Marlene	Domingo, Baldwin
Estabrook, Iris	Grassie, Anne	Heon, Richard	Kaen, Naida
Keans, Sandra	Lent, Donald	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Smith, Marjorie	Snyder, Clair	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Wall, Janet	

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Phinizy, James	Robb-Theroux, Amy
Wiggins, Celestine			

**NAYS 203****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Johnson, James	Pilliod, James	Rice, Thomas	Rosen, Ralph
Russell, David	Thomas, John	Turner, Robert	Wendelboe, Francine

**CARROLL**

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Lyman, L Randy	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
Torressen, Gary			

**CHESHIRE**

Hunt, John	Lynott, Margaret	Manning, Joseph	Roberts, William
Robertson, Timothy	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin			

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Merrill, Gerald	Pratt, Leighton	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Marshall, Gene
Scanlan, David	Ward, Brian	Weber, Phil	

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Christiansen, Lars	Clegg, Robert Jr	Clemons, Jane
Cote, David	Coughlin, Pamela	Curran, James	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Desmarais, Vivian	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul Sr	Dyer, Merton	Fenton, James
Fletcher, Richard	Flora, Kathleen	Gorman, Mary	Goulet, Maurice
Haley, Robert	Hansen, Herbert	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lozeau, Donnalee	MacGillivray, Jeffrey	McCarty, Winston	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	McRae, Karen	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Milligan, Robert
Mosher, William	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Simon, Anthony	Thulander, O Alan	Wall, Nancy	White, Donald

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Brewster, Richard	Davis, Francis
Feuerstein, Martin	Fraser, Marilyn	Hess, David	Jacobson, Alf

Kennedy, Richard  
Lockwood, Priscilla  
Nichols, Avis  
Whalley, Michael

Larrabee, David Sr  
Marple, Richard  
Poulin, Dave  
Whittemore, James

Lavoie, Gerard  
Marshall, Kenneth  
Soltani, Tony

Leber, William  
Maxfield, Roy  
St Cyr, Gerard

### ROCKINGHAM

Abbott, Dennis  
Cox, Russell  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Quandt, Marshall  
Ruffner, Walter  
Stritch, C Donald  
Verani, Giovanni  
Zolla, William

Arndt, Janet  
Dalrymple, Janeen  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Kelley, William  
McKinney, Betsy  
Nowe, Ronald  
Rabideau, Marie  
Sapareto, Frank  
Tufts, J Arthur  
Weare, Everett

Belanger, Ronald  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kobel, Rudolph  
Moore, Benjamin  
Packard, Sherman  
Raynowska, Bernard  
Shelton, Richard  
Varrell, Thomas  
Welch, David

Case, Margaret  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Johnson, Robert  
Langone, John  
Morse, Charles  
Priestley, Anne  
Rubin, George  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

### STRAFFORD

Berube, Roger  
Cossette, Larry  
Knowles, William  
Rollo, Michael

Bickford, David  
Dunlap, Patricia  
Lundborn, Raymond  
Torr, Franklin

Brown, Julie  
Gilmore, Gary  
McKinley, Robert  
Vincent, Francis

Callaghan, Frank  
Johnson, Nancy  
Musler, George  
Woods, Phyllis

### SULLIVAN

Kibbey, David

Leone, Richard

Young, David

and the motion failed.

The question now being, notwithstanding the Governor's veto, shall **HB 1548**, abolishing the death penalty, become law?

Reps. Weatherspoon, Sargent and Naida Kaen spoke in favor.

Rep. Pitts requested a quorum count. The Speaker declared a quorum present.

Reps. Pitts, Rowe, Vaillancourt and DiFruscia spoke in favor.

Rep. Loren Jean spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

**YEAS 194 NAYS 148**

### YEAS 194

#### BELKNAP

Boriso, Thomas  
Salatiello, Thomas

Millham, Alida  
Wood, Jane

Pilliod, James

Russell, David

### CARROLL

Bradley, Jeb

Lyman, L Randy

### CHESHIRE

Batchelder, Robert  
Lynch, Margaret  
Meador, David  
Richardson, Barbara

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Riley, William

DePecol, Benjamin  
Manning, Joseph  
Pratt, Irene  
Robertson, Timothy

Doucette, Richard  
McGuirk, Paul  
Pratt, John  
Zerba, Roger

### COOS

Davis, Perley  
Mears, Edgar

Gallus, John  
Rodrigue, Robert

Horton, Lynn

Landers, Dana

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Ham, Bonnie

Almy, Susan  
Dudley, Terri  
Johnson, Gary

Brothers, Richard  
Eaton, Stephanie  
Nordgren, Sharon

Copenhaver, Marion  
Guest, Robert  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Bergin, Peter  
Craig, James  
Dokmo, Cynthia  
Flora, Kathleen  
Haley, Robert  
Jean, Claudette  
Kony, Christine  
Leishman, Peter  
McDonough-Wallace, Alice  
Messier, Irene  
O'Hearn, Jane  
Reidy, Frank  
Tate, Joan  
White, John

Arnold, Thomas Jr  
Carlson, Donald  
Curran, James  
Drabinowicz, A Theresa  
Garrish, Linda  
Hall, Betty  
Jean, Loren  
LaPorte, George  
Leonard, Peter  
McRae, Karen  
Milligan, Robert  
Ouellette, Dean  
Rowe, Robert  
Turgeon, Roland

Arthur, Rose  
Clemons, Jane  
Daniels, Gary  
Durham, Susan  
Ginsburg, Ruth  
Hansen, Herbert  
Johnson, Lionel  
LaRose, Richard  
McCarty, Winston  
Mendenhall, Leslie  
Moran, Edward  
Pepino, Leo  
Sarette, John  
Vaillancourt, Steve

Baroody, Benjamin  
Cote, David  
Desrosiers, William  
Dyer, Merton  
Gorman, Mary  
Hunter, Bruce  
Keye, Harvey  
Lasky, Bette  
McColgan, Philip Jr  
Mercer, Robert  
Moriarty, Mary  
Peterson, Andrew  
Sargent, Maxwell  
White, Donald

**MERRIMACK**

Asplund, Bronwyn  
Davis, Francis  
French, Barbara  
Lockwood, Priscilla  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Bouchard, Candace  
Feuerstein, Martin  
Gile, Mary  
Moore, Carol  
Reardon, Tara  
St Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Nichols, Avis  
Rodd, Beth  
Virtue, Carolyn

Daneault, Gabriel  
Fraser, Marilyn  
Jacobson, Alf  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Case, Margaret  
DiFruscia, Anthony  
Gleason, John  
Kelley, William  
O'Neil, Michael  
Rubin, George  
Splaine, James  
Weatherspoon, Jackie

Belanger, Ronald  
Christie, Andrew Jr  
Dowling, Patricia  
Hutchinson, Rebecca  
Langley, Jane  
Packard, Sherman  
Ruffner, Walter  
Stickney, Nancy  
Welch, David

Bishop, Franklin  
Clark, Martha  
Fesh, Robert  
Kane, Cecelia  
Major, Norman  
Pitts, Jacqueline  
Sabella, Norma  
Tufts, J Arthur  
Zolla, William

Blanchard, MaryAnn  
Dalrymple, Janeen  
Flanagan, Natalie  
Katsakiores, Phyllis  
Norelli, Terie  
Rabideau, Marie  
Shelton, Richard  
Vaughn, Charles

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Lent, Donald  
Rogers, Rose Marie  
Twardus, Joseph

Bickford, David  
Estabrook, Iris  
Johnson, Nancy  
Musler, George  
Smith, Marjorie  
Vachon, Dennis

Brennan, William  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Arthur  
Snyder, Clair  
Wall, Janet

DeChane, Marlene  
Grassie, Anne  
Keans, Sandra  
Pelletier, Marsha  
Torr, Franklin  
Woods, Phyllis

**SULLIVAN**

Allison, David  
Flint, Gordon Sr  
Tuthill, John

Burling, Peter  
Kibbey, David  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Robb-Theroux, Amy

**NAYS 148****BELKNAP**

Bartlett, Gordon  
Johnson, James  
Turner, Robert

Boyce, Robert  
Rice, Thomas  
Wendelboe, Francine

Czech, Stanley  
Rosen, Ralph

Holbrook, Robert  
Thomas, John



**CARROLL**

Babson, David Jr  
Mock, Henry  
Torresen, Gary

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

Howard, Godfrey  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
Rose, William

Hunt, John  
Royce, H Charles

Lerandeau, Alfred  
Russell, Ronald

Roberts, William  
Smith, Edwin

**COOS**

Guay, Lawrence  
Woodward, David

Merrill, Gerald

Pratt, Leighton

Tholl, John Jr

**GRAFTON**

Alger, John  
Harmon, Hobart  
Phinney, William

Cobb, John  
Hinman, Harry  
Scanlan, David

Gilman, G Michael  
Marshall, Gene  
Ward, Brien

Hall, David  
Mirski, Paul  
Weber, Phil

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Buckley, Raymond  
Cote, Peter  
Dawe, Eileen  
Fletcher, Richard  
Goulet, Maurice  
Lozeau, Donnalee  
Melcher, Harold  
Reeves, Sandra

Andrews, Frederick  
Bergeron, Lucien  
Calawa, Leon Jr  
Coughlin, Pamela  
Desmarais, Vivian  
Foster, Linda  
Holley, Sylvia  
MacGillivray, Jeffrey  
Mosher, William  
Simon, Anthony

Batula, Peter  
Brundige, Robert  
Christiansen, Lars  
Daigle, Robert  
Dwyer, Paul Sr  
Franks, Suzan  
L'Heureux, Robert  
McDonald, James Sr  
Murphy, Robert  
Thulander, O Alan

Beaupre, Roland  
Bruno, Pierre  
Clegg, Robert Jr  
Dalianis, Griffin  
Fenton, James  
Goley, Jeffrey  
Lefebvre, Roland  
McGough, Tim  
O'Connell, Timothy  
Wall, Nancy

**MERRIMACK**

Anderson, Eric  
Langer, Ray  
Marple, Richard  
Soltani, Tony

Brewster, Richard  
Larrabee, David Sr  
Marshall, Kenneth  
Whalley, Michael

Hess, David  
Lavoie, Gerard  
Maxfield, Roy  
Whittemore, James

Kennedy, Richard  
Leber, William  
Poulin, Dave

**ROCKINGHAM**

Arndt, Janet  
Dunham, Vivian  
Grant, Kenneth  
Hutchinson, Karen  
Letourneau, Robert  
Nowe, Mary Lou  
Priestley, Anne  
Sapareto, Frank  
Verani, Giovanni

Beaulieu, Jon  
Flanders, David  
Griffin, Mary  
Johnson, Robert  
McKinney, Betsy  
Nowe, Ronald  
Putnam, Ed II  
Stone, Joseph  
Weare, Everett

Cox, Russell  
Flanders, John Sr  
Hamel, Albert  
Kobel, Rudolph  
Moore, Benjamin  
Noyes, Richard  
Quandt, Marshall  
Stritch, C Donald  
Whittier, John

Downing, Michael  
Francoeur, Sheila  
Henderson, Warren  
Langone, John  
Morse, Charles  
Pantelakos, Laura  
Raynowska, Bernard  
Varrell, Thomas

**STRAFFORD**

Brown, George  
Domingo, Baldwin  
Rollo, Michael

Brown, Julie  
Knowles, William  
Taylor, Kathleen

Callaghan, Frank  
Lundborn, Raymond  
Vincent, Francis

Cossette, Larry  
McKinley, Robert

**SULLIVAN**

Jones, Constance

Leone, Richard

Young, David

and the veto was sustained, lacking the necessary two-thirds.  
Rep. Pepino voted Yea and intended to vote Nay.

GOVERNOR'S VETO MESSAGE ON HB 1406

May 23, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1406.

I am vetoing this legislation because its provisions have been superceded by S.B. 472, and, thus are superfluous and unnecessary.

H.B. 1406 was designed to establish the legislative policy around the use of transition service during the initial years of competition in the territory served by Public Service Company of New Hampshire. I concur with the legislature's intent as expressed in this legislation to avoid the creation of cost deferrals through the pricing of transition service, and this issue has been addressed within the provisions of S.B. 472.

I have conferred with the primary sponsor of H.B. 1406 and he has advised me that he supports the vetoing of H.B. 1406.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1406**, relative to transition service, become law?

Rep. Bradley spoke against.

As required by the State Constitution, a roll call was taken.

YEAS 19 NAYS 323

YEAS 19

BELKNAP

Rosen, Ralph

CARROLL

Sullivan, P Judith

CHESHIRE

Lynott, Margaret

COOS

None

GRAFTON

Weber, Phil

HILLSBOROUGH

Batula, Peter

Bruno, Pierre

Daniels, Gary

L'Heureux, Robert

Leonard, Peter

Melcher, Harold

Messier, Irene

Quellette, Dean

MERRIMACK

Kennedy, Richard

Soltani, Tony

ROCKINGHAM

Noyes, Richard

Vaughn, Charles

STRAFFORD

DeChane, Marlene

Gilmore, Gary

Vincent, Francis

SULLIVAN

None

NAYS 323

BELKNAP

Bartlett, Gordon

Boriso, Thomas

Boyce, Robert

Czech, Stanley

Holbrook, Robert

Johnson, James

Millham, Alida

Pilliod, James

Rice, Thomas

Russell, David

Salatiello, Thomas

Thomas, John

Turner, Robert

Wendelboe, Francine

Wood, Jane

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Philbrick, Donald

Bradley, Jeb  
Lyman, L Randy  
Torresen, Gary

Chandler, Gene  
Mock, Henry

Dickinson, Howard  
Patten, Betsey

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Roberts, William  
Russell, Ronald

Batchelder, Robert  
Hunt, John  
McGuirk, Paul  
Pratt, John  
Robertson, Timothy  
Smith, Edwin

Burnham, Daniel  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara  
Rose, William  
Zerba, Roger

DePecol, Benjamin  
Lynch, Margaret  
Mitchell, McKim  
Riley, William  
Royce, H Charles

**COOS**

Davis, Perley  
Landers, Dana  
Rodrigue, Robert

Gallus, John  
Mears, Edgar  
Tholl, John Jr

Guay, Lawrence  
Merrill, Gerald  
Woodward, David

Horton, Lynn  
Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Cobb, John  
Eaton, Stephanie  
Ham, Bonnie  
Marshall, Gene  
Scanlan, David

Alger, John  
Copenhaver, Marion  
Gilman, G Michael  
Harmon, Hobart  
Mirski, Paul  
Solow, Martha

Almy, Susan  
Densmore, Jessica  
Guest, Robert  
Hinman, Harry  
Nordgren, Sharon  
Ward, Brian

Brothers, Richard  
Dudley, Terri  
Hall, David  
Johnson, Gary  
Phinney, William

**HILLSBOROUGH**

Ahern, Richard  
Arthur, Rose  
Bergeron, Lucien  
Calawa, Leon Jr  
Clemons, Jane  
Craig, James  
Dawe, Eileen  
Drabinowicz, A Theresa  
Fenton, James  
Franks, Suzan  
Gorman, Mary  
Hansen, Herbert  
Jean, Loren  
LaPorte, George  
Leishman, Peter  
McColgan, Philip Jr  
McRae, Karen  
Moran, Edward  
O'Connell, Timothy  
Reeves, Sandra  
Sargent, Maxwell  
Turgeon, Roland  
White, John

Alukonis, David  
Baroody, Benjamin  
Bergin, Peter  
Carlson, Donald  
Cote, David  
Curran, James  
Desmarais, Vivian  
Durham, Susan  
Fletcher, Richard  
Garrish, Linda  
Goulet, Maurice  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
Lozeau, DonnaLee  
McDonald, James Jr  
Mendenhall, Leslie  
Moriarty, Mary  
O'Hearn, Jane  
Reidy, Frank  
Simon, Anthony  
Vaillancourt, Steve

Andrews, Frederick  
Beaupre, Roland  
Brundige, Robert  
Christiansen, Lars  
Cote, Peter  
Daigle, Robert  
Desrosiers, William  
Dwyer, Paul Sr  
Flora, Kathleen  
Ginsburg, Ruth  
Haley, Robert  
Hunter, Bruce  
Keye, Harvey  
Lasky, Bette  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Rowe, Robert  
Tate, Joan  
Wall, Nancy

Arnold, Thomas Jr  
Belvin, William  
Buckley, Raymond  
Clegg, Robert Jr  
Coughlin, Pamela  
Dalianis, Griffin  
Dokmo, Cynthia  
Dyer, Merton  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Jean, Claudette  
Konys, Christine  
Lefebvre, Roland  
McCarty, Winston  
McGough, Tim  
Milligan, Robert  
Murphy, Robert  
Peterson, Andrew  
Sarette, John  
Thulander, O Alan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fortnam, Janet  
Hager, Elizabeth  
Larrabee, David Sr

Asplund, Bronwyn  
Daneault, Gabriel  
Fraser, Marilyn  
Hess, David  
Lavoie, Gerard

Bouchard, Candace  
Davis, Francis  
French, Barbara  
Jacobson, Alf  
Leber, William

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Langer, Ray  
Lockwood, Priscilla

Marple, Richard  
Nichols, Avis  
Reardon, Tara  
St Cyr, Gerard  
Whalley, Michael

Marshall, Kenneth  
Owen, Derek  
Rodd, Beth  
Virtue, Carolyn  
Whittemore, James

Maxfield, Roy  
Potter, Frances  
Rosenfield, Jay  
Wallin, Jean  
Yeaton, Charles

Moore, Carol  
Poulin, Dave  
Seldin, Gloria  
Wallner, Mary Jane

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Clark, Martha  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy  
Nowe, Mary Lou  
Pantelakos, Laura  
Quandt, Marshall  
Ruffner, Walter  
Splaine, James  
Tufts, J Arthur  
Weatherspoon, Jackie

Arndt, Janet  
Blanchard, MaryAnn  
Cox, Russell  
Downing, Michael  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Katsakiores, Phyllis  
Langone, John  
Moore, Benjamin  
Nowe, Ronald  
Pitts, Jacqueline  
Rabideau, Marie  
Sabella, Norma  
Stickney, Nancy  
Varrell, Thomas  
Welch, David

Beaulieu, Jon  
Case, Margaret  
Dalrymple, Janeen  
Dunham, Vivian  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Priestley, Anne  
Raynowska, Bernard  
Sapareto, Frank  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Belanger, Ronald  
Christie, Andrew Jr  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman  
Norelli, Terie  
Packard, Sherman  
Putnam, Ed II  
Rubin, George  
Shelton, Richard  
Stritch, C Donald  
Weare, Everett  
Zolla, William

### STRAFFORD

Berube, Roger  
Brown, Julie  
Dunlap, Patricia  
Johnson, Nancy  
Lent, Donald  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph

Bickford, David  
Callaghan, Frank  
Estabrook, Iris  
Kaen, Naida  
Lundborn, Raymond  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brennan, William  
Cossette, Larry  
Grassie, Anne  
Keans, Sandra  
McKinley, Robert  
Rogers, Rose Marie  
Taylor, Kathleen  
Wall, Janet

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Musler, George  
Rollo, Michael  
Torr, Franklin  
Woods, Phyllis

### SULLIVAN

Allison, David  
Flint, Gordon Sr  
Phinizy, James  
Young, David

Burling, Peter  
Jones, Constance  
Robb-Theroux, Amy

Cloutier, John  
Kibbey, David  
Tuthill, John

Donovan, Thomas Jr  
Leone, Richard  
Wiggins, Celestine

and the veto was sustained, lacking the necessary two-thirds.

Reps. Batula, L'Heureux and Rosen voted Yea and intended to vote Nay.

### GOVERNOR'S VETO MESSAGE ON HB 405-FN

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 405, an Act relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. If enacted, this legislation would increase state general fund expenditures by \$108,452 beginning July 1, 2001, gradually increasing in cost to \$124,546 in FY 2004. Like other bills I have vetoed this session, this legislation does not provide a way to pay for its cost. The cost of HB 405, when considered in conjunction with other legislation passed by the House and Senate that increase expenditures or reduce revenues, is unacceptable. In addition, like other bills I have vetoed, this bill leaves the tough decision of figuring out how to pay for its costs to a future legislature.



While I commend the motivation and hard work of the bill's sponsors, and recognize the concerns HB 405 is intended to address, the bill is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. HB 405 was pending in the legislature last year when the House and Senate passed the biennial operating budget. If the legislature believes this increase in funding for juvenile placement costs is a priority, HB 405 should have been passed last year and its cost accounted for in the biennial budget.

It should be noted that HB 405 includes the creation of a study to quantify the effectiveness of juvenile diversion and alternate disposition programs. It would make more sense to first determine which programs are the most effective before allocating to them additional state resources.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential public services. HB 405 must be considered in the context of our overall budget constraints. While I regret having to do so, I must veto HB 405.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 405**, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs, become law?

As required by the State Constitution, a roll call was taken.

## YEAS 161 NAYS 181

### YEAS 161

#### BELKNAP

Millham, Alida  
Salatiello, Thomas

Pilliod, James  
Turner, Robert

Rosen, Ralph  
Wood, Jane

Russell, David

#### CARROLL

Howard, Godfrey

Lyman, L Randy

Mock, Henry

### CHESHIRE

Avery, Stephen  
Hunt, John  
McGuirk, Paul  
Riley, William

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Roberts, William

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Robertson, Timothy

Doucette, Richard  
Manning, Joseph  
Pratt, John  
Russell, Ronald

### COOS

Davis, Perley  
Landers, Dana  
Woodward, David

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Tholl, John Jr

### GRAFTON

Almy, Susan  
Eaton, Stephanie  
Hinman, Harry  
Scanlan, David

Brothers, Richard  
Guest, Robert  
Johnson, Gary  
Solow, Martha

Copenhaver, Marion  
Ham, Bonnie  
Nordgren, Sharon

Dudley, Terri  
Harmon, Hobart  
Phinney, William

## HILLSBOROUGH

Ahern, Richard  
Batula, Peter  
Clegg, Robert Jr  
Daigle, Robert  
Drabinowicz, A Theresa  
Garrish, Linda  
Leonard, Peter  
McGough, Tim  
Reidy, Frank  
White, John

Alukonis, David  
Bergin, Peter  
Clemons, Jane  
Dalianis, Griffin  
Durham, Susan  
Ginsburg, Ruth  
MacGillivray, Jeffrey  
Mendenhall, Leslie  
Sarette, John

Arnold, Thomas Jr  
Carlson, Donald  
Cote, Peter  
Desrosiers, William  
Flora, Kathleen  
Gorman, Mary  
McColgan, Philip Jr  
Messier, Irene  
Tate, Joan

Arthur, Rose  
Christiansen, Lars  
Curran, James  
Dokmo, Cynthia  
Foster, Linda  
Leishman, Peter  
McDonough-Wallace, Alice  
Moran, Edward  
Wall, Nancy

**MERRIMACK**

Asplund, Bronwyn  
Davis, Francis  
French, Barbara  
Leber, William  
Moore, Carol  
Seldin, Gloria  
Wallner, Mary Jane

Brewster, Richard  
Feuerstein, Martin  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
St Cyr, Gerard  
Yeaton, Charles

Crosby, Toni  
Fortnam, Janet  
Jacobson, Alf  
Marshall, Kenneth  
Potter, Frances  
Virtue, Carolyn

Daneault, Gabriel  
Fraser, Marilyn  
Larrabee, David Sr  
Maxfield, Roy  
Rosenfield, Jay  
Wallin, Jean

**ROCKINGHAM**

Arndt, Janet  
Cox, Russell  
Francoeur, Sheila  
Johnson, Robert  
Noyes, Richard  
Sapareto, Frank  
Weare, Everett

Bishop, Franklin  
DiFruscia, Anthony  
Gleason, John  
Langley, Jane  
Priestley, Anne  
Splaine, James  
Whittier, John

Case, Margaret  
Dowling, Patricia  
Hamel, Albert  
Major, Norman  
Rabideau, Marie  
Varrell, Thomas  
Zolla, William

Christie, Andrew Jr  
Flanders, David  
Hutchinson, Rebecca  
Norelli, Terie  
Ruffner, Walter  
Vaughn, Charles

**STRAFFORD**

Bickford, David  
Dunlap, Patricia  
Johnson, Nancy  
Pelletier, Arthur  
Snyder, Clair

Brennan, William  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Marsha

Cossette, Larry  
Gilmore, Gary  
Knowles, William  
Rogers, Rose Marie

DeChane, Marlene  
Grassie, Anne  
Lent, Donald  
Smith, Marjorie

**SULLIVAN**

Allison, David  
Tuthill, John

Donovan, Thomas Jr

Flint, Gordon Sr

Phinizy, James

**NAYS 181****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Wendelboe, Francine

Boriso, Thomas  
Johnson, James

Boyce, Robert  
Rice, Thomas

Czech, Stanley  
Thomas, John

**CARROLL**

Babson, David Jr  
Patten, Betsey

Bradley, Jeb  
Philbrick, Donald

Chandler, Gene  
Sullivan, P Judith

Dickinson, Howard  
Torresen, Gary

**CHESHIRE**

Batchelder, Robert  
Rose, William

Lerandeau, Alfred  
Royce, H Charles

Meador, David  
Smith, Edwin

Richardson, Barbara  
Zerba, Roger

**COOS**

Merrill, Gerald

Rodrigue, Robert

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Ward, Brian

Alger, John  
Hall, David  
Weber, Phil

Cobb, John  
Marshall, Gene

Densmore, Jessica  
Mirski, Paul

**HILLSBOROUGH**

Andrews, Frederick  
Bergeron, Lucien  
Calawa, Leon Jr  
Daniels, Gary  
Dyer, Merton

Baroody, Benjamin  
Brundige, Robert  
Cote, David  
Dawe, Eileen  
Fenton, James

Beaupre, Roland  
Bruno, Pierre  
Coughlin, Pamela  
Desmarais, Vivian  
Fletcher, Richard

Belvin, William  
Buckley, Raymond  
Craig, James  
Dwyer, Paul Sr  
Franks, Suzan

Goley, Jeffrey  
Hansen, Herbert  
Jean, Loren  
L'Heureux, Robert  
Lefebvre, Roland  
McRae, Karen  
Moriarty, Mary  
O'Hearn, Jane  
Reeves, Sandra  
Thulander, O Alan

Goulet, Maurice  
Holley, Sylvia  
Johnson, Lionel  
LaPorte, George  
Lozeau, DonnaLee  
Melcher, Harold  
Mosher, William  
Ouellette, Dean  
Rowe, Robert  
Turgeon, Roland

Haley, Robert  
Hunter, Bruce  
Keye, Harvey  
LaRose, Richard  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
Vaillancourt, Steve

Hall, Betty  
Jean, Claudette  
Konys, Christine  
Lasky, Bette  
McDonald, James Sr  
Milligan, Robert  
O'Connell, Timothy  
Peterson, Andrew  
Simon, Anthony  
White, Donald

### MERRIMACK

Anderson, Eric  
Kennedy, Richard  
Nichols, Avis  
Soltani, Tony

Bouchard, Candace  
Langer, Ray  
Poulin, Dave  
Whalley, Michael

Hager, Elizabeth  
Lavoie, Gerard  
Reardon, Tara  
Whittemore, James

Hess, David  
Marple, Richard  
Rodd, Beth

### ROCKINGHAM

Abbott, Dennis  
Clark, Martha  
Fesh, Robert  
Griffin, Mary  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Mary Lou  
Pantelakos, Laura  
Raynowska, Bernard  
Stickney, Nancy  
Verani, Giovanni

Beaulieu, Jon  
Dalrymple, Janeen  
Flanagan, Natalie  
Henderson, Warren  
Kelley, William  
McKinney, Betsy  
Nowe, Ronald  
Pitts, Jacqueline  
Rubin, George  
Stone, Joseph  
Weatherspoon, Jackie

Belanger, Ronald  
Downing, Michael  
Flanders, John Sr  
Hutchinson, Karen  
Kobel, Rudolph  
Moore, Benjamin  
O'Neil, Michael  
Putnam, Ed II  
Sabella, Norma  
Stritch, C Donald  
Welch, David

Blanchard, MaryAnn  
Dunham, Vivian  
Grant, Kenneth  
Kane, Cecelia  
Langone, John  
Morse, Charles  
Packard, Sherman  
Quandt, Marshall  
Shelton, Richard  
Tufts, J Arthur

### STRAFFORD

Berube, Roger  
Domingo, Baldwin  
McKinley, Robert  
Torr, Franklin  
Wall, Janet

Brown, George  
Heon, Richard  
Musler, George  
Twardus, Joseph  
Woods, Phyllis

Brown, Julie  
Kaen, Naida  
Rollo, Michael  
Vachon, Dennis

Callaghan, Frank  
Lundborn, Raymond  
Taylor, Kathleen  
Vincent, Francis

### SULLIVAN

Burling, Peter  
Leone, Richard

Cloutier, John  
Robb-Theroux, Amy

Jones, Constance  
Wiggins, Celestine

Kibbey, David  
Young, David

and the veto was sustained, lacking the necessary two-thirds.  
Rep. Richardson voted Nay and intended to vote Yea.

(Rep. Lozeau in the Chair)

### GOVERNOR'S VETO MESSAGE ON HB 542-FN-A

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 542, an Act repealing the legacies and succession tax.

If enacted, this legislation would reduce state general fund revenues by approximately \$25 million the first year it is in effect, the fiscal year beginning July 1, 2001, and then almost \$38 million each year thereafter. Like HB 235, which would have increased exemptions under the State's interest and dividends tax and which I vetoed two weeks ago, this legislation, too, fails to provide a way to pay for its cost.

The annual cost of H.B. 542, about \$38 million, is more than five times the amount spent on home based care programs for the elderly that allow our seniors to remain in their own homes longer and

maintain their quality of life. It is nearly four times the amount spent on childcare services which help single parents find good care for their children as they make the sometimes difficult transition from welfare to work. It also is nearly two-thirds the amount we spend on direct care services for citizens with developmental disabilities.

Under New Hampshire law the transfer of wealth at death is subject to state taxation at the rate of 18 percent, with certain exceptions: transfers to spouses, lineal descendants, municipalities, or charitable organizations; and the transfer of a homestead to a sibling who resides in the homestead. Proponents of H.B. 542 persuasively argue that this tax is unfair to those who do not have spouses or lineal descendants to whom they can leave their assets. However, all legislation that costs money must be considered in the context of the state's fiscal situation. It is irresponsible to focus only on the merits of a bill in isolation and not consider its impacts on the state's overall budget picture. H.B. 542 was pending in the legislature last year when the House and Senate passed the biennial operating budget. The legislature could have made the choice to absorb the cost of paying for H.B. 542 at that time by either cutting state services or increasing another revenue source. The legislature chose not to do so.

The legislature considered and rejected a number of other ways to pay for the cost of this legislation. The legislature rejected the idea of reforming the estate and legacy tax by lowering the rate and applying it to all transfers of wealth. The legislature rejected the idea of paying for H.B. 542 by allowing video lottery at our four racetracks and two grand hotels. It rejected the idea of making the effective date of the repeal contingent on the enactment of a replacement revenue source. It even rejected the idea of phasing in the repeal of this tax over a number of years. All of these options for paying for the cost of this legislation were found unpalatable for one reason or another by the legislature.

Instead, this year the legislature simply amended the bill to put off its effective date until July 1, 2001. It is not an acceptable solution to put off the effective date so that another legislature will have to deal with filling the large revenue gap this bill creates.

On the very day H.B. 542 passed, members of one body conducted a briefing on the state's fiscal status. This same body then turned around and passed H.B. 542 with complete disregard for its fiscal impact.

Casting a vote to repeal a tax is an easy and a politically popular thing to do in an election year. But I believe the governor and the legislature are elected to make hard choices.

If the legislature is unwilling to practice fiscal discipline, I must and I will. While I regret having to veto H.B. 542, I cannot in good conscience approve a bill with this magnitude of fiscal impact.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 542**, repealing the legacies and succession tax, become law?

Rep. Murphy spoke in favor.

Rep. McGuirk spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

## YEAS 278 NAYS 63

### YEAS 278

#### BELKNAP

Bartlett, Gordon  
Millham, Alida  
Salatiello, Thomas

Boriso, Thomas  
Pilliod, James  
Thomas, John

Czech, Stanley  
Rice, Thomas  
Turner, Robert

Johnson, James  
Russell, David  
Wood, Jane

#### CARROLL

Babson, David Jr  
Mock, Henry  
Torresen, Gary

Dickinson, Howard  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Lyman, L Randy  
Sullivan, P Judith

#### CHESHIRE

Avery, Stephen  
Doucette, Richard

Batchelder, Robert  
Lynch, Margaret

Burnham, Daniel  
Lynott, Margaret

DePecol, Benjamin  
Manning, Joseph



McGuirk, Paul  
Pratt, John  
Rose, William

Meador, David  
Richardson, Barbara  
Zerba, Roger

Mitchell, McKim  
Riley, William

Pratt, Irene  
Robertson, Timothy

## COOS

Davis, Perley  
Landers, Dana  
Rodrigue, Robert

Gallus, John  
Mears, Edgar

Guay, Lawrence  
Merrill, Gerald

Horton, Lynn  
Pratt, Leighton

## GRAFTON

Almy, Susan  
Dudley, Terri  
Hall, David  
Nordgren, Sharon  
Ward, Brian

Brothers, Richard  
Eaton, Stephanie  
Hinman, Harry  
Phinney, William  
Weber, Phil

Copenhaver, Marion  
Gilman, G Michael  
Johnson, Gary  
Scanlan, David

Densmore, Jessica  
Guest, Robert  
Mirski, Paul  
Solow, Martha

## HILLSBOROUGH

Alukonis, David  
Baroody, Benjamin  
Brundige, Robert  
Clegg, Robert Jr  
Craig, James  
Daniels, Gary  
Dokmo, Cynthia  
Fenton, James  
Franks, Suzan  
Goulet, Maurice  
Jean, Claudette  
LaPorte, George  
Leonard, Peter  
McGough, Tim  
Messier, Irene  
Murphy, Robert  
Pepino, Leo  
Sargent, Maxwell  
White, Donald

Andrews, Frederick  
Batula, Peter  
Bruno, Pierre  
Cote, David  
Curran, James  
Dawe, Eileen  
Drabinowicz, A Theresa  
Fletcher, Richard  
Garish, Linda  
Hall, Betty  
Jean, Loren  
LaRose, Richard  
MacGillivray, Jeffrey  
McRae, Karen  
Milligan, Robert  
O'Connell, Timothy  
Reeves, Sandra  
Tate, Joan  
White, John

Arnold, Thomas Jr  
Bergeron, Lucien  
Carlson, Donald  
Cote, Peter  
Daigle, Robert  
Desmarais, Vivian  
Durham, Susan  
Flora, Kathleen  
Ginsburg, Ruth  
Hansen, Herbert  
Konys, Christine  
Lasky, Bette  
McColgan, Philip Jr  
Melcher, Harold  
Moran, Edward  
O'Hearn, Jane  
Reidy, Frank  
Vaillancourt, Steve

Arthur, Rose  
Bergin, Peter  
Christiansen, Lars  
Coughlin, Pamela  
Dalianis, Griffin  
Desrosiers, William  
Dyer, Merton  
Foster, Linda  
Gorman, Mary  
Hunter, Bruce  
L'Heureux, Robert  
Leishman, Peter  
McDonough-Wallace, Alice  
Mendenhall, Leslie  
Mosher, William  
Ouellette, Dean  
Sarette, John  
Wall, Nancy

## MERRIMACK

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Lockwood, Priscilla  
Moore, Carol  
Reardon, Tara  
Soltani, Tony  
Wallner, Mary Jane

Asplund, Bronwyn  
Daneault, Gabriel  
French, Barbara  
Langer, Ray  
Marple, Richard  
Owen, Derek  
Rodd, Beth  
St Cyr, Gerard  
Whittemore, James

Bouchard, Candace  
Feuerstein, Martin  
Gile, Mary  
Larrabee, David Sr  
Marshall, Kenneth  
Potter, Frances  
Rosenfield, Jay  
Virtue, Carolyn  
Yeaton, Charles

Brewster, Richard  
Fortnam, Janet  
Hager, Elizabeth  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
Seldin, Gloria  
Wallin, Jean

## ROCKINGHAM

Abbott, Dennis  
Case, Margaret  
Dalrymple, Janeen  
Flanagan, Natalie  
Grant, Kenneth  
Hutchinson, Karen  
Katsakiores, Phyllis  
Langone, John

Arndt, Janet  
Christie, Andrew Jr  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, William  
Letourneau, Robert

Belanger, Ronald  
Clark, Martha  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Johnson, Robert  
Kobel, Rudolph  
Major, Norman

Bishop, Franklin  
Cox, Russell  
Downing, Michael  
Gleason, John  
Henderson, Warren  
Kane, Cecelia  
Langley, Jane  
McKinney, Betsy

Moore, Benjamin  
 Nowe, Ronald  
 Pitts, Jacqueline  
 Rabideau, Marie  
 Sabella, Norma  
 Stickney, Nancy  
 Varrell, Thomas  
 Welch, David

Morse, Charles  
 Noyes, Richard  
 Priestley, Anne  
 Raynowska, Bernard  
 Sapareto, Frank  
 Stone, Joseph  
 Verani, Giovanni  
 Whittier, John

Norelli, Terie  
 O'Neil, Michael  
 Putnam, Ed II  
 Rubin, George  
 Shelton, Richard  
 Stritch, C Donald  
 Weare, Everett  
 Zolla, William

Nowe, Mary Lou  
 Packard, Sherman  
 Quandt, Marshall  
 Ruffner, Walter  
 Splaine, James  
 Tufts, J Arthur  
 Weatherspoon, Jackie

### STRAFFORD

Berube, Roger  
 Callaghan, Frank  
 Dunlap, Patricia  
 Johnson, Nancy  
 Musler, George  
 Rollo, Michael  
 Torr, Franklin

Bickford, David  
 Cossette, Larry  
 Estabrook, Iris  
 Kaen, Naida  
 Pelletier, Arthur  
 Smith, Marjorie  
 Twardus, Joseph

Brennan, William  
 DeChane, Marlene  
 Gilmore, Gary  
 Lent, Donald  
 Pelletier, Marsha  
 Snyder, Clair  
 Wall, Janet

Brown, Julie  
 Domingo, Baldwin  
 Grassie, Anne  
 McKinley, Robert  
 Rogers, Rose Marie  
 Taylor, Kathleen  
 Woods, Phyllis

### SULLIVAN

Allison, David  
 Jones, Constance  
 Robb-Theroux, Amy

Cloutier, John  
 Kibbey, David  
 Tuthill, John

Donovan, Thomas Jr  
 Leone, Richard  
 Wiggins, Celestine

Flint, Gordon Sr  
 Phinizy, James  
 Young, David

### NAYS 63

### BELKNAP

Boyce, Robert

Holbrook, Robert

Rosen, Ralph

Wendelboe, Francine

### CARROLL

Bradley, Jeb

Chandler, Gene

### CHESHIRE

Hunt, John  
 Russell, Ronald

Lerandeau, Alfred  
 Smith, Edwin

Roberts, William

Royce, H Charles

### COOS

Tholl, John Jr

Woodward, David

### GRAFTON

Akins, Ralph  
 Harmon, Hobart

Alger, John  
 Marshall, Gene

Cobb, John

Ham, Bonnie

### HILLSBOROUGH

Ahern, Richard  
 Calawa, Leon Jr  
 Haley, Robert  
 McCarty, Winston  
 Peterson, Andrew  
 Turgeon, Roland

Beaupre, Roland  
 Clemons, Jane  
 Johnson, Lionel  
 McDonald, James Sr  
 Rowe, Robert

Belvin, William  
 Dwyer, Paul Sr  
 Keye, Harvey  
 Mercer, Robert  
 Simon, Anthony

Buckley, Raymond  
 Goley, Jeffrey  
 Lefebvre, Roland  
 Moriarty, Mary  
 Thulander, O Alan

### MERRIMACK

Davis, Francis  
 Nichols, Avis

Hess, David  
 Whalley, Michael

Kennedy, Richard

Leber, William

### ROCKINGHAM

Beaulieu, Jon  
 Flanders, David

Blanchard, MaryAnn  
 Pantelakos, Laura

Dunham, Vivian  
 Sytek, Donna

Fesh, Robert  
 Vaughn, Charles

**STRAFFORD**

Brown, George  
Lundborn, Raymond

Heon, Richard  
Vachon, Dennis

Keans, Sandra  
Vincent, Francis

Knowles, William

**SULLIVAN**

Burling, Peter

and the veto was overridden by the necessary two-thirds.

(Speaker Sytek in the Chair)

**GOVERNOR'S VETO MESSAGE ON HB 1251**

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed HB 1251, relative to driver education training reimbursement.

If enacted, HB 1251 would increase state expenditures by \$600,000 in fiscal year beginning July 1, 2001 and each year thereafter. Like other bills I have vetoed this session, this legislation does not provide a way to pay for its cost. This cost, when considered in conjunction with other legislation passed by the House and Senate that increase expenditures or decrease revenues, is unacceptable.

While I appreciate the intent of this legislation, if enacted it would be funded through monies that would ordinarily lapse to the general fund. It is important to understand that lapse funds are not "found" money and available for additional spending. Instead, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget. HB 1251 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process without identifying offsetting budget cuts or revenue increases to cover the budget impacts. If the legislature believes that providing reimbursement to driver education students attending private training courses is a priority, the \$600,000 in annual costs must be offset by either cutting state services or increasing another revenue source.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have to fund our schools and provide other essential services. HB 1251 must be considered in the context of the state's overall budget constraints. While I regret having to do so, I must veto HB 1251.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1251**, relative to driver education training reimbursement, become law?

As required by the State Constitution, a roll call was taken.

**YEAS 132 NAYS 209**

**YEAS 132****BELKNAP**

Bartlett, Gordon  
Pilliod, James  
Wendelboe, Francine

Boriso, Thomas  
Rice, Thomas

Czech, Stanley  
Russell, David

Millham, Alida  
Turner, Robert

**CARROLL**

Dickinson, Howard

Howard, Godfrey

Lyman, L Randy

Mock, Henry

**CHESHIRE**

Avery, Stephen  
Richardson, Barbara

Lynott, Margaret  
Riley, William

Manning, Joseph

Pratt, John

**COOS**

Gallus, John  
Pratt, Leighton

Horton, Lynn  
Rodrigue, Robert

Landers, Dana  
Tholl, John Jr

Merrill, Gerald  
Woodward, David

**GRAFTON**

Almy, Susan  
Hall, David  
Ward, Brien

Densmore, Jessica  
Johnson, Gary  
Weber, Phil

Eaton, Stephanie  
Phinney, William

Guest, Robert  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Curran, James  
Flora, Kathleen  
Hall, Betty  
Leonard, Peter  
Mendenhall, Leslie

Bruno, Pierre  
Dalianis, Griffin  
Garrish, Linda  
Hunter, Bruce  
MacGillivray, Jeffrey  
Messier, Irene

Carlson, Donald  
Dawe, Eileen  
Gorman, Mary  
Jean, Claudette  
McCarty, Winston  
Ouellette, Dean

Clegg, Robert Jr  
Drabinowicz, A Theresa  
Goulet, Maurice  
L'Heureux, Robert  
McGough, Tim  
Reidy, Frank

**MERRIMACK**

Asplund, Bronwyn  
French, Barbara  
Leber, William  
Moore, Carol  
St Cyr, Gerard  
Whalley, Michael

Crosby, Toni  
Gile, Mary  
Lockwood, Priscilla  
Owen, Derek  
Virtue, Carolyn  
Whittemore, James

Feuerstein, Martin  
Jacobson, Alf  
Marshall, Kenneth  
Potter, Frances  
Wallin, Jean  
Yeaton, Charles

Fraser, Marilyn  
Larrabee, David Sr  
Maxfield, Roy  
Seldin, Gloria  
Wallner, Mary Jane

**ROCKINGHAM**

Arndt, Janet  
Dowling, Patricia  
Gleason, John  
Katsakiores, Phyllis  
Major, Norman  
Priestley, Anne  
Stritch, C Donald  
Welch, David

Beaulieu, Jon  
Flanagan, Natalie  
Hamel, Albert  
Kobel, Rudolph  
Norelli, Terie  
Putnam, Ed II  
Tufts, J Arthur  
Whittier, John

Case, Margaret  
Flanders, David  
Henderson, Warren  
Langley, Jane  
Noyes, Richard  
Rabideau, Marie  
Vaughn, Charles

Dalrymple, Janeen  
Flanders, John Sr  
Johnson, Robert  
Letourneau, Robert  
Packard, Sherman  
Raynowska, Bernard  
Verani, Giovanni

**STRAFFORD**

Cossette, Larry  
McKinley, Robert  
Rollo, Michael

Dunlap, Patricia  
Pelletier, Arthur  
Taylor, Kathleen

Gilmore, Gary  
Pelletier, Marsha  
Torr, Franklin

Keans, Sandra  
Rogers, Rose Marie  
Twardus, Joseph

**SULLIVAN**

Donovan, Thomas Jr  
Phinzy, James

Flint, Gordon Sr  
Wiggins, Celestine

Jones, Constance

Leone, Richard

**NAYS 209****BELKNAP**

Boyce, Robert  
Salatiello, Thomas

Holbrook, Robert  
Thomas, John

Johnson, James  
Wood, Jane

Rosen, Ralph

**CARROLL**

Babson, David Jr  
Philbrick, Donald

Bradley, Jeb  
Sullivan, P Judith

Chandler, Gene  
Torresen, Gary

Patten, Betsey

**CHESHIRE**

Batchelder, Robert  
Hunt, John  
Mitchell, McKim  
Rose, William  
Zerba, Roger

Burnham, Daniel  
Lerandeau, Alfred  
Pratt, Irene  
Royce, H Charles

DePecol, Benjamin  
Lynch, Margaret  
Roberts, William  
Russell, Ronald

Doucette, Richard  
Meader, David  
Robertson, Timothy  
Smith, Edwin

**COOS**

Davis, Perley

Guay, Lawrence

Mears, Edgar



**GRAFTON**

Akins, Ralph  
Copenhaver, Marion  
Harmon, Hobart  
Nordgren, Sharon

Alger, John  
Dudley, Terri  
Hinman, Harry  
Solow, Martha

Brothers, Richard  
Gilman, G Michael  
Marshall, Gene

Cobb, John  
Ham, Bonnie  
Mirski, Paul

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Bergeron, Lucien  
Calawa, Leon Jr  
Cote, Peter  
Daniels, Gary  
Durham, Susan  
Fletcher, Richard  
Goley, Jeffrey  
Jean, Loren  
LaPorte, George  
Leishman, Peter  
McDonough-Wallace, Alice  
Milligan, Robert  
Murphy, Robert  
Peterson, Andrew  
Sargent, Maxwell  
Turgeon, Roland  
White, John

Andrews, Frederick  
Batula, Peter  
Bergin, Peter  
Christiansen, Lars  
Coughlin, Pamela  
Desmarais, Vivian  
Dwyer, Paul Sr  
Foster, Linda  
Haley, Robert  
Johnson, Lionel  
LaRose, Richard  
Lozeau, Donnalee  
McRae, Karen  
Moran, Edward  
O'Connell, Timothy  
Reeves, Sandra  
Simon, Anthony  
Vaillancourt, Steve

Arnold, Thomas Jr  
Beaupre, Roland  
Brundige, Robert  
Clemons, Jane  
Craig, James  
Desrosiers, William  
Dyer, Merton  
Franks, Suzan  
Hansen, Herbert  
Keye, Harvey  
Lasky, Bette  
McColgan, Philip Jr  
Melcher, Harold  
Moriarty, Mary  
O'Hearn, Jane  
Rowe, Robert  
Tate, Joan  
Wall, Nancy

Arthur, Rose  
Belvin, William  
Buckley, Raymond  
Cote, David  
Daigle, Robert  
Dokmo, Cynthia  
Fenton, James  
Ginsburg, Ruth  
Holley, Sylvia  
Konys, Christine  
Lefebvre, Roland  
McDonald, James Sr  
Mercer, Robert  
Mosher, William  
Pepino, Leo  
Sarette, John  
Thulander, O Alan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Davis, Francis  
Kennedy, Richard  
Nichols, Avis  
Rosenfield, Jay

Bouchard, Candace  
Fortnam, Janet  
Langer, Ray  
Poulin, Dave  
Soltani, Tony

Brewster, Richard  
Hager, Elizabeth  
Lavoie, Gerard  
Reardon, Tara

Daneault, Gabriel  
Hess, David  
Marple, Richard  
Rodd, Beth

**ROCKINGHAM**

Abbott, Dennis  
Christie, Andrew Jr  
Downing, Michael  
Grant, Kenneth  
Kane, Cecelia  
Moore, Benjamin  
O'Neil, Michael  
Rubin, George  
Shelton, Richard  
Varrell, Thomas

Belanger, Ronald  
Clark, Martha  
Dunham, Vivian  
Griffin, Mary  
Kelley, William  
Morse, Charles  
Pantelakos, Laura  
Ruffner, Walter  
Spaine, James  
Weare, Everett

Bishop, Franklin  
Cox, Russell  
Fesh, Robert  
Hutchinson, Karen  
Langone, John  
Nowe, Mary Lou  
Pitts, Jacqueline  
Sabella, Norma  
Stickney, Nancy  
Weatherspoon, Jackie

Blanchard, MaryAnn  
DiFruscia, Anthony  
Francoeur, Sheila  
Hutchinson, Rebecca  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Sapareto, Frank  
Stone, Joseph  
Zolla, William

**STRAFFORD**

Berube, Roger  
Brown, Julie  
Estabrook, Iris  
Kaen, Naida  
Musler, George  
Vincent, Francis

Bickford, David  
Callaghan, Frank  
Grassie, Anne  
Knowles, William  
Smith, Marjorie  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Heon, Richard  
Lent, Donald  
Snyder, Clair  
Woods, Phyllis

Brown, George  
Domingo, Baldwin  
Johnson, Nancy  
Lundborn, Raymond  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Robb-Theroux, Amy

Burling, Peter  
Tuthill, John

Cloutier, John  
Young, David

Kibbey, David

and the veto was sustained, lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 1343-FN-A**

May 31, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 1343, an Act appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied.

If enacted, this legislation would transfer \$20,000 in unused FY 2000 funds from state environmental grant payments to municipalities for this research effort. While I do not disagree with the intent of the bill and the interest of its sponsors in supporting additional research on the impacts of applying sludge at reclamation sites, I do disagree with the manner in which these funds are being appropriated for this purpose.

Like other bills I have vetoed this session, HB 1343 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. These bills exacerbate the financial concerns we face. If the legislature believes that funding for this research effort is a priority, this \$20,000 should have been included in the biennial budget and its costs accounted for during the budget process.

This legislation, if enacted, would be funded through monies that would ordinarily lapse. It is important to understand that lapse funds are not "found" money and available for additional spending. Instead, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

I have repeatedly expressed my concerns about legislation that would increase expenditures or reduce revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential services. HB 1343 must be considered in the context of our overall budget constraints. With regret, I must veto HB 1343.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1343**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied, become law?

Reps. Betty Hall and Bruno spoke in favor and yielded to questions.

As required by the State Constitution, a roll call was taken.

**YEAS 275 NAYS 63****YEAS 275****BELKNAP**

Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Millham, Alida	Pilliod, James	Russell, David
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine
Wood, Jane			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Hunt, John	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Roberts, William
Robertson, Timothy	Royce, H Charles	Russell, Ronald	

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Rodrigue, Robert	Troll, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Densmore, Jessica	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Johnson, Gary
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Phinney, William
Scanlan, David	Solow, Martha	Ward, Brien	Weber, Phil

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Batula, Peter	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Clegg, Robert Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Curran, James	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Fenton, James
Flora, Kathleen	Foster, Linda	Franks, Suzan	Garrish, Linda
Ginsburg, Ruth	Gorman, Mary	Haley, Robert	Hall, Betty
Hansen, Herbert	Hunter, Bruce	Jean, Claudette	Jean, Loren
Konys, Christine	L'Heureux, Robert	LaPorte, George	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice
McGough, Tim	McRae, Karen	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Peterson, Andrew	Rowe, Robert	Sarette, John	Tate, Joan
Thulander, O Alan	White, John		

**MERRIMACK**

Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	Softani, Tony
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whalley, Michael
Yeaton, Charles			

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Moore, Benjamin	Norelli, Terie	Nowe, Mary Lou	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Pitts, Jacqueline	Priestley, Anne
Putnam, Ed II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Ruffner, Walter	Sabella, Norma	Sapareto, Frank	Shelton, Richard
Splaine, James	Stickney, Nancy	Stone, Joseph	Stitch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weare, Everett	Welch, David	Whittier, John	Zolla, William

**STRAFFORD**

Bickford, David	Brennan, William	Cossette, Larry	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	McKinley, Robert	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Torr, Franklin	Twardus, Joseph	Vachon, Dennis
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Robb-Theroux, Amy
Wiggins, Celestine	Young, David		

**NAYS 63****BELKNAP**

Johnson, James	Rice, Thomas	Rosen, Ralph
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**CARROLL**

Mock, Henry	Torressen, Gary
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**CHESHIRE**

Lerandeau, Alfred	Rose, William	Smith, Edwin	Zerba, Roger
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**COOS**

None

**GRAFTON**

None

**HILLSBOROUGH**

Ahern, Richard	Baroody, Benjamin	Beaupre, Roland	Buckley, Raymond
Christiansen, Lars	Clemons, Jane	Craig, James	Daigle, Robert
Desmarais, Vivian	Desrosiers, William	Dwyer, Paul Sr	Dyer, Merton
Fletcher, Richard	Goley, Jeffrey	Goulet, Maurice	Holley, Sylvia
Johnson, Lionel	LaRose, Richard	Lefebvre, Roland	Mercer, Robert
Moriarty, Mary	Pepino, Leo	Reeves, Sandra	Reidy, Frank
Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, Donald			

**MERRIMACK**

Anderson, Eric	Hess, David	Kennedy, Richard	Langer, Ray
Nichols, Avis	Reardon, Tara	St Cyr, Gerard	Whittemore, James

**ROCKINGHAM**

Kelley, William	Morse, Charles	Nowe, Ronald	Pantelakos, Laura
Rubin, George			

**STRAFFORD**

Berube, Roger	Brown, George	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Grassie, Anne	Lundborn, Raymond	Taylor, Kathleen
Vincent, Francis			

**SULLIVAN**

Kibbey, David	Phinizy, James	Tuthill, John
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and the veto was overridden by the necessary two-thirds.



**GOVERNOR'S VETO MESSAGE ON HB 628**

June 21, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 628, an Act relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough County and in a central location within Coos, Grafton, Carroll, and Belknap counties. While I commend the supporters of HB 628 for their efforts to address the complicated problem of juveniles who are at risk, after careful consideration I must veto this legislation.

HB 628 does not clearly establish who is responsible for the costs of operating the regional youth center program. And because the bill was not heard in either the House or Senate Finance Committee these questions about ongoing financial obligations were not resolved.

In addition, HB 628 fails to establish clear administrative responsibility for running the new program. The bill proposes to share responsibilities between several state and local agencies, but fails to lay out an organizational structure for implementing the program. Potential conflicts, including litigation, may arise because the lines of authority are not clearly established in law.

I am also concerned about whether this is the best course of action for addressing juvenile services. While the youth center program is one possible way, HB 628 sets the state on a course that may not be consistent with other initiatives and potential methods for addressing these juvenile service needs. While HB 628 would create a "pilot" operating program, in fact the bill will lead to the construction of new permanent buildings at an estimated cost of up to \$10 million, including \$1 million in state funds. If the "pilot" program is deemed a failure and another use must be identified for these facilities, the state will be faced with the always extremely difficult problem of figuring out a new use for state-owned buildings located in our cities and towns.

I today signed into law HB 1463, a provision of which establishes a Department of Youth Development Services advisory board. This board's charge is to make recommendations relative to the programs and services provided to children referred to the Department as delinquent under RSA 169-B. Creation of this advisory board is one step that will enhance our ability to look at the spectrum of services provided to juveniles and assess how best these juveniles can be served.

Before we commit the state to any program with potentially significant implementation and operating costs, we must make sure such programs fit within an integrated plan for the delivery of services to juveniles.

Given the legislative history of this bill, in which the opportunity for public input was limited, there is need for further scrutiny of the means and ends of the proposed pilot program.

For these reasons, I have vetoed HB 628.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 628**, relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough County and in a central location within Coos, Grafton, Carroll, and Belknap counties, become law?

Rep. Wallin spoke against.

Rep. Lozeau spoke in favor.

As required by the State Constitution, a roll call was taken.

**YEAS 132 NAYS 207****YEAS 132****BELKNAP**

Bartlett, Gordon  
Millham, Alida  
Russell, David

Boriso, Thomas  
Pilliod, James  
Thomas, John

Boyce, Robert  
Rice, Thomas  
Turner, Robert

Czech, Stanley  
Rosen, Ralph

**CARROLL**

Bradley, Jeb  
Mock, Henry

Chandler, Gene  
Patten, Betsey

Howard, Godfrey  
Philbrick, Donald

Lyman, L Randy

**CHESHIRE**

Hunt, John  
Richardson, Barbara

Manning, Joseph  
Roberts, William

Mitchell, McKim  
Royce, H Charles

Pratt, John  
Smith, Edwin

**COOS**

Davis, Perley  
Pratt, Leighton

Gallus, John  
Tholl, John Jr

Guay, Lawrence  
Woodward, David

Merrill, Gerald

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Marshall, Gene

Alger, John  
Ham, Bonnie  
Scanlan, David

Dudley, Terri  
Harmon, Hobart  
Ward, Brien

Eaton, Stephanie  
Hinman, Harry

**HILLSBOROUGH**

Alukonis, David  
Brundige, Robert  
Dalianis, Griffin  
Flora, Kathleen  
LaRose, Richard  
Lozeau, Donnalee  
McGough, Tim  
Moran, Edward  
Rowe, Robert

Arnold, Thomas Jr  
Carlson, Donald  
Daniels, Gary  
Ginsburg, Ruth  
Lefebvre, Roland  
MacGillivray, Jeffrey  
Mercer, Robert  
Mosher, William  
Tate, Joan

Batula, Peter  
Clegg, Robert Jr  
Dokmo, Cynthia  
Goulet, Maurice  
Leishman, Peter  
McCarty, Winston  
Messier, Irene  
O'Hearn, Jane

Bergin, Peter  
Craig, James  
Durham, Susan  
Hansen, Herbert  
Leonard, Peter  
McColgan, Philip Jr  
Milligan, Robert  
Peterson, Andrew

**MERRIMACK**

Asplund, Bronwyn  
Hess, David  
Nichols, Avis

Davis, Francis  
Larrabee, David Sr  
Whalley, Michael

Feuerstein, Martin  
Leber, William

Gile, Mary  
Marshall, Kenneth

**ROCKINGHAM**

Arndt, Janet  
Dalrymple, Janeen  
Flanagan, Natalie  
Gleason, John  
Katsakiores, Phyllis  
Morse, Charles  
Priestley, Anne  
Sabella, Norma  
Varrell, Thomas  
Zolla, William

Belanger, Ronald  
DiFruscia, Anthony  
Flanders, David  
Griffin, Mary  
Langone, John  
Noyes, Richard  
Rabideau, Marie  
Splaine, James  
Verani, Giovanni

Case, Margaret  
Dowling, Patricia  
Flanders, John Sr  
Hamel, Albert  
Letourneau, Robert  
O'Neil, Michael  
Raynowska, Bernard  
Stritch, C Donald  
Weare, Everett

Christie, Andrew Jr  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Major, Norman  
Packard, Sherman  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

**STRAFFORD**

Bickford, David  
Musler, George

Cossette, Larry

Dunlap, Patricia

McKinley, Robert

**SULLIVAN**

Flint, Gordon Sr

Young, David

**NAYS 207****BELKNAP**

Holbrook, Robert  
Wood, Jane

Johnson, James

Salatiello, Thomas

Wendelboe, Francine

**CARROLL**

Babson, David Jr

Dickinson, Howard

Sullivan, P Judith

Torressen, Gary

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
McGuirk, Paul  
Robertson, Timothy

Batchelder, Robert  
Lerandeau, Alfred  
Meador, David  
Rose, William

Burnham, Daniel  
Lynch, Margaret  
Pratt, Irene  
Russell, Ronald

DePecol, Benjamin  
Lynott, Margaret  
Riley, William  
Zerba, Roger

**COOS**

Horton, Lynn

Landers, Dana

Mears, Edgar

Rodrigue, Robert

**GRAFTON**

Almy, Susan  
Densmore, Jessica  
Mirski, Paul  
Weber, Phil

Brothers, Richard  
Guest, Robert  
Nordgren, Sharon

Cobb, John  
Hall, David  
Phinney, William

Copenhaver, Marion  
Johnson, Gary  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Beaupre, Roland  
Buckley, Raymond  
Cote, David  
Daigle, Robert  
Drabinowicz, A Theresa  
Fletcher, Richard  
Goley, Jeffrey  
Holley, Sylvia  
Johnson, Lionel  
Lasky, Bette  
Melcher, Harold  
O'Connell, Timothy  
Reidy, Frank  
Turgeon, Roland  
White, John

Andrews, Frederick  
Belvin, William  
Calawa, Leon Jr  
Cote, Peter  
Dawe, Eileen  
Dwyer, Paul Sr  
Foster, Linda  
Gorman, Mary  
Hunter, Bruce  
Konys, Christine  
McDonald, James Sr  
Mendenhall, Leslie  
Ouellette, Dean  
Sarette, John  
Vaillancourt, Steve

Arthur, Rose  
Bergeron, Lucien  
Christiansen, Lars  
Coughlin, Pamela  
Desmarais, Vivian  
Dyer, Merton  
Franks, Suzan  
Haley, Robert  
Jean, Claudette  
L'Heureux, Robert  
McDonough-Wallace, Alice  
Moriarty, Mary  
Pepino, Leo  
Simon, Anthony  
Wall, Nancy

Baroody, Benjamin  
Bruno, Pierre  
Clemons, Jane  
Curran, James  
Desrosiers, William  
Fenton, James  
Garrish, Linda  
Hall, Betty  
Jean, Loren  
LaPorte, George  
McRae, Karen  
Murphy, Robert  
Reeves, Sandra  
Thulander, O Alan  
White, Donald

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Hager, Elizabeth  
Lavoie, Gerard  
Moore, Carol  
Reardon, Tara  
Soltani, Tony  
Wallner, Mary Jane

Bouchard, Candace  
Fortnam, Janet  
Jacobson, Alf  
Lockwood, Priscilla  
Owen, Derek  
Rodd, Beth  
St Cyr, Gerard  
Whittemore, James

Brewster, Richard  
Fraser, Marilyn  
Kennedy, Richard  
Marple, Richard  
Potter, Frances  
Rosenfield, Jay  
Virtue, Carolyn  
Yeaton, Charles

Crosby, Toni  
French, Barbara  
Langer, Ray  
Maxfield, Roy  
Poulin, Dave  
Seldin, Gloria  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Grant, Kenneth  
Kane, Cecelia  
McKinney, Betsy  
Nowe, Ronald  
Quandt, Marshall  
Stickney, Nancy

Beaulieu, Jon  
Cox, Russell  
Hutchinson, Karen  
Kelley, William  
Moore, Benjamin  
Pantelakos, Laura  
Rubin, George  
Stone, Joseph

Bishop, Franklin  
Downing, Michael  
Hutchinson, Rebecca  
Kobel, Rudolph  
Norelli, Terie  
Pitts, Jacqueline  
Sapareto, Frank  
Vaughn, Charles

Blanchard, MaryAnn  
Dunham, Vivian  
Johnson, Robert  
Langley, Jane  
Nowe, Mary Lou  
Putnam, Ed II  
Shelton, Richard  
Whittier, John

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Gilmore, Gary  
Kaen, Naida  
Lundborn, Raymond  
Rollo, Michael  
Torr, Franklin  
Wall, Janet

Brennan, William  
DeChane, Marlene  
Grassie, Anne  
Keans, Sandra  
Pelletier, Arthur  
Smith, Marjorie  
Twardus, Joseph  
Woods, Phyllis

Brown, George  
Domingo, Baldwin  
Heon, Richard  
Knowles, William  
Pelletier, Marsha  
Snyder, Clair  
Vachon, Dennis

Brown, Julie  
Estabrook, Iris  
Johnson, Nancy  
Lent, Donald  
Rogers, Rose Marie  
Taylor, Kathleen  
Vincent, Francis

**SULLIVAN**

Allison, David  
Jones, Constance  
Robb-Theroux, Amy

Burling, Peter  
Kibbey, David  
Tuthill, John

Cloutier, John  
Leone, Richard  
Wiggins, Celestine

Donovan, Thomas Jr  
Phinizy, James

and the veto was sustained, lacking the necessary two-thirds.

**GOVERNOR'S VETO MESSAGE ON HB 648**

June 21, 2000

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, I have this day vetoed House Bill 648, an Act relative to a sludge testing program.

If enacted, this legislation would transfer up to \$85,000 from state environmental grant payments to municipalities to fund an expanded random sludge testing program at 30 municipal wastewater treatment facilities. While I do not disagree with the intent of the bill and the interest of its supporters in ensuring that all sludge intended for land application meets applicable standards, I do disagree with the manner in which these funds are being appropriated for this purpose.

HB 648 proposes to fund an expanded sludge testing program in FY 2001 through monies that would ordinarily lapse. It is important to understand that lapse funds are not "found" money and available for additional spending. Rather, an estimate of lapse funds is built into the biennial budget, and lapse funds are a critical component of achieving a balanced budget.

Like other bills I have vetoed this session, HB 648 is another example of an unfortunate trend in the legislature to pass both revenue reductions and increased program expenditures outside the biennial budget process. If the legislature believes that funding for this program is a priority, its \$85,000 annual cost should have been included in the current biennial budget and its costs accounted for during the budget process.

I have repeatedly expressed my concerns about legislation that would increase expenditures or decrease revenues at a time when we are limited in the resources we have available to fund our schools and provide other essential services. HB 648 must be considered in the context of our overall budget constraints. For these reasons, I have vetoed HB 648.

Jeanne Shaheen, Governor

The question being, notwithstanding the Governor's veto, shall **HB 648**, relative to a sludge testing program, become law?

Rep. Betty Hall spoke in favor.

As required by the State Constitution, a roll call was taken.

**YEAS 255 NAYS 82**

**YEAS 255****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Russell, David  
Wendelboe, Francine

Boriso, Thomas  
Millham, Alida  
Salatiello, Thomas

Boyce, Robert  
Pilliod, James  
Thomas, John

Czech, Stanley  
Rice, Thomas  
Turner, Robert

**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Sullivan, P Judith

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Patten, Betsey

Dickinson, Howard  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Doucette, Richard  
Manning, Joseph  
Pratt, Irene  
Roberts, William

Batchelder, Robert  
Hunt, John  
McGuirk, Paul  
Pratt, John  
Robertson, Timothy

Burnham, Daniel  
Lynch, Margaret  
Meador, David  
Richardson, Barbara  
Royce, H Charles

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Riley, William  
Smith, Edwin



**COOS**

Davis, Perley  
Landers, Dana  
Woodward, David

Gallus, John  
Pratt, Leighton

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn  
Tholl, John Jr

**GRAFTON**

Akins, Ralph  
Cobb, John  
Eaton, Stephanie  
Ham, Bonnie  
Marshall, Gene  
Solow, Martha

Alger, John  
Copenhaver, Marion  
Gilman, G Michael  
Harmon, Hobart  
Nordgren, Sharon  
Ward, Brien

Almy, Susan  
Densmore, Jessica  
Guest, Robert  
Hinman, Harry  
Phinney, William

Brothers, Richard  
Dudley, Terri  
Hall, David  
Johnson, Gary  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Bruno, Pierre  
Curran, James  
Dokmo, Cynthia  
Flora, Kathleen  
Ginsburg, Ruth  
Hall, Betty  
L'Heureux, Robert  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Mendenhall, Leslie  
Mosher, William  
Peterson, Andrew  
Tate, Joan

Arnold, Thomas Jr  
Bergeron, Lucien  
Carlson, Donald  
Dalianis, Griffin  
Drabinowicz, A Theresa  
Foster, Linda  
Gorman, Mary  
Hansen, Herbert  
Lasky, Bette  
MacGillivray, Jeffrey  
McGough, Tim  
Messier, Irene  
O'Connell, Timothy  
Reidy, Frank  
White, John

Arthur, Rose  
Bergin, Peter  
Clegg, Robert Jr  
Daniels, Gary  
Durham, Susan  
Franks, Suzan  
Goulet, Maurice  
Hunter, Bruce  
Leishman, Peter  
MacColgan, Philip Jr  
McRae, Karen  
Milligan, Robert  
O'Hearn, Jane  
Rowe, Robert

Batula, Peter  
Brundige, Robert  
Coughlin, Pamela  
Dawe, Eileen  
Fenton, James  
Garrish, Linda  
Haley, Robert  
Jean, Claudette  
Leonard, Peter  
McDonald, James Sr  
Melcher, Harold  
Moran, Edward  
Ouellette, Dean  
Sarette, John

**MERRIMACK**

Anderson, Eric  
Crosby, Toni  
Fraser, Marilyn  
Jacobson, Alf  
Marple, Richard  
Owen, Derek  
Rosenfield, Jay  
Wallin, Jean  
Yeaton, Charles

Asplund, Bronwyn  
Daneault, Gabriel  
French, Barbara  
Larrabee, David Sr  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Wallner, Mary Jane

Bouchard, Candace  
Davis, Francis  
Gile, Mary  
Lavoie, Gerard  
Maxfield, Roy  
Poulin, Dave  
St Cyr, Gerard  
Whalley, Michael

Brewster, Richard  
Fortnam, Janet  
Hager, Elizabeth  
Lockwood, Priscilla  
Moore, Carol  
Rodd, Beth  
Virtue, Carolyn  
Whittemore, James

**ROCKINGHAM**

Abbott, Dennis  
Bishop, Franklin  
Clark, Martha  
Dowling, Patricia  
Francoeur, Sheila  
Hamel, Albert  
Kane, Cecelia  
Langone, John  
Norelli, Terie  
Pitts, Jacqueline  
Raynowska, Bernard  
Shelton, Richard  
Stritch, C Donald  
Verani, Giovanni

Arndt, Janet  
Blanchard, MaryAnn  
Cox, Russell  
Dunham, Vivian  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Major, Norman  
Noyes, Richard  
Priestley, Anne  
Ruffner, Walter  
Splaine, James  
Tufts, J Arthur  
Welch, David

Beaulieu, Jon  
Case, Margaret  
Dalrymple, Janeen  
Flanagan, Natalie  
Grant, Kenneth  
Hutchinson, Rebecca  
Kobel, Rudolph  
McKinney, Betsy  
O'Neil, Michael  
Quandt, Marshall  
Sabella, Norma  
Stickney, Nancy  
Varrell, Thomas  
Whittier, John

Belanger, Ronald  
Christie, Andrew Jr  
DiFruscia, Anthony  
Flanders, John Sr  
Griffin, Mary  
Johnson, Robert  
Langley, Jane  
Moore, Benjamin  
Packard, Sherman  
Rabideau, Marie  
Sapareto, Frank  
Stone, Joseph  
Vaughn, Charles  
Zolla, William

**STRAFFORD**

Bickford, David  
 Estabrook, Iris  
 Kaen, Naida  
 McKinley, Robert  
 Rogers, Rose Marie  
 Twardus, Joseph

Brennan, William  
 Gilmore, Gary  
 Keans, Sandra  
 Musler, George  
 Smith, Marjorie  
 Vachon, Dennis

Callaghan, Frank  
 Heon, Richard  
 Knowles, William  
 Pelletier, Arthur  
 Snyder, Clair  
 Woods, Phyllis

Dunlap, Patricia  
 Johnson, Nancy  
 Lent, Donald  
 Pelletier, Marsha  
 Torr, Franklin

**SULLIVAN**

Allison, David  
 Jones, Constance  
 Robb-Theroux, Amy

Burling, Peter  
 Kibbey, David  
 Tuthill, John

Donovan, Thomas Jr  
 Leone, Richard  
 Wiggins, Celestine

Flint, Gordon Sr  
 Phinizy, James  
 Young, David

**NAYS 82****BELKNAP**

Johnson, James

Rosen, Ralph

Mock, Henry

Torressen, Gary

Lerandeau, Alfred

Rose, William

Mears, Edgar

Merrill, Gerald

Mirski, Paul

Weber, Phil

**CARROLL****CHESHIRE**

Russell, Ronald

Zerba, Roger

**COOS****GRAFTON****HILLSBOROUGH**

Ahern, Richard  
 Buckley, Raymond  
 Cote, David  
 Desmarais, Vivian  
 Fletcher, Richard  
 Johnson, Lionel  
 Lefebvre, Roland  
 Murphy, Robert  
 Thulander, O Alan  
 White, Donald

Andrews, Frederick  
 Calawa, Leon Jr  
 Cote, Peter  
 Desrosiers, William  
 Goley, Jeffrey  
 Konys, Christine  
 McCarty, Winston  
 Pepino, Leo  
 Turgeon, Roland

Baroody, Benjamin  
 Christiansen, Lars  
 Craig, James  
 Dwyer, Paul Sr  
 Holley, Sylvia  
 LaPorte, George  
 Mercer, Robert  
 Reeves, Sandra  
 Vaillancourt, Steve

Beaupre, Roland  
 Clemons, Jane  
 Daigle, Robert  
 Dyer, Merton  
 Jean, Loren  
 LaRose, Richard  
 Moriarty, Mary  
 Simon, Anthony  
 Wall, Nancy

**MERRIMACK**

Feuerstein, Martin  
 Nichols, Avis

Kennedy, Richard  
 Reardon, Tara

Langer, Ray  
 Soltani, Tony

Leber, William

**ROCKINGHAM**

Downing, Michael  
 Kelley, William  
 Nowe, Ronald  
 Weare, Everett

Fesh, Robert  
 Letourneau, Robert  
 Pantelakos, Laura

Flanders, David  
 Morse, Charles  
 Putnam, Ed II

Hutchinson, Karen  
 Nowe, Mary Lou  
 Rubin, George

**STRAFFORD**

Berube, Roger  
 DeChane, Marlene  
 Rollo, Michael

Brown, George  
 Domingo, Baldwin  
 Taylor, Kathleen

Brown, Julie  
 Grassie, Anne  
 Vincent, Francis

Cossette, Larry  
 Lundborn, Raymond  
 Wall, Janet

**SULLIVAN**

Cloutier, John

and the veto was overridden by the necessary two-thirds.

**RECOGNITION OF STAFF**

The House recognized and thanked the members of House and Joint Staff for their dedication and work.

**RESOLUTION**

Rep. Chandler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

**LATE SESSION****RECOGNITION OF REP. MARION COPENHAVER**

The House recognized Rep. Marion Copenhaver for her 28 years as a member of the House of Representatives.

**PERSONAL PRIVILEGE**

Reps. Mirski and Mock addressed the House.

Rep. Wall moved that the remarks made by Rep. Mock be printed in the Journal.

Adopted.

Rep. McRae moved that the remarks made by Rep. Mirski be printed in the Journal.

Rep. Christiansen requested a roll call; sufficiently seconded.

**YEAS 225 NAYS 99****YEAS 225****BELKNAP**

Bartlett, Gordon  
Holbrook, Robert  
Rosen, Ralph

Boriso, Thomas  
Johnson, James  
Salatiello, Thomas

Boyce, Robert  
Millham, Alida  
Turner, Robert

Czech, Stanley  
Rice, Thomas  
Wendelboe, Francine

**CARROLL**

Babson, David Jr  
Lyman, L Randy  
Torresen, Gary

Bradley, Jeb  
Mock, Henry

Dickinson, Howard  
Philbrick, Donald

Howard, Godfrey  
Sullivan, P Judith

**CHESHIRE**

Avery, Stephen  
Lerandeau, Alfred  
McGuirk, Paul  
Roberts, William  
Zerba, Roger

Batchelder, Robert  
Lynch, Margaret  
Meader, David  
Robertson, Timothy

DePecol, Benjamin  
Lynott, Margaret  
Mitchell, McKim  
Rose, William

Hunt, John  
Manning, Joseph  
Richardson, Barbara  
Smith, Edwin

**COOS**

Gallus, John  
Merrill, Gerald

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn  
Tholl, John Jr

Landers, Dana  
Woodward, David

**GRAFTON**

Akins, Ralph  
Densmore, Jessica  
Hall, David  
Mirski, Paul  
Ward, Brien

Alger, John  
Dudley, Terri  
Harmon, Hobart  
Nordgren, Sharon  
Weber, Phil

Brothers, Richard  
Eaton, Stephanie  
Hinman, Harry  
Phinney, William

Cobb, John  
Gilman, G Michael  
Johnson, Gary  
Scanlan, David

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Christiansen, Lars  
Dalianis, Griffin  
Dyer, Merton  
Ginsburg, Ruth

Arnold, Thomas Jr  
Brundige, Robert  
Clegg, Robert Jr  
Daniels, Gary  
Fenton, James  
Goley, Jeffrey

Batula, Peter  
Bruno, Pierre  
Clemons, Jane  
Dawe, Eileen  
Fletcher, Richard  
Gorman, Mary

Beaupre, Roland  
Carlson, Donald  
Coughlin, Pamela  
Desmarais, Vivian  
Franks, Suzan  
Goulet, Maurice

Hansen, Herbert  
 Jean, Loren  
 Leonard, Peter  
 McDonald, James Sr  
 Mendenhall, Leslie  
 Moran, Edward  
 Pepino, Leo  
 Simon, Anthony  
 White, Donald

Holley, Sylvia  
 L'Heureux, Robert  
 MacGillivray, Jeffrey  
 McDonough-Wallace, Alice  
 Mercer, Robert  
 Moriarty, Mary  
 Peterson, Andrew  
 Tate, Joan

Hunter, Bruce  
 LaPorte, George  
 Martel, Andre  
 McGough, Tim  
 Messier, Irene  
 O'Connell, Timothy  
 Reeves, Sandra  
 Vaillancourt, Steve

Jean, Claudette  
 Lefebvre, Roland  
 McCarty, Winston  
 McRae, Karen  
 Milligan, Robert  
 Ouellette, Dean  
 Sarette, John  
 Wall, Nancy

### MERRIMACK

Anderson, Eric  
 Hager, Elizabeth  
 Larrabee, David Sr  
 Marshall, Kenneth  
 Reardon, Tara  
 Soltani, Tony  
 Whalley, Michael

Asplund, Bronwyn  
 Jacobson, Alf  
 Lavoie, Gerard  
 Nichols, Avis  
 Rodd, Beth  
 St Cyr, Gerard  
 Whittemore, James

Bouchard, Candace  
 Kennedy, Richard  
 Leber, William  
 Owen, Derek  
 Rosenfield, Jay  
 Virtue, Carolyn

Daneault, Gabriel  
 Langer, Ray  
 Lockwood, Priscilla  
 Poulin, Dave  
 Seldin, Gloria  
 Wallin, Jean

### ROCKINGHAM

Abbott, Dennis  
 Bishop, Franklin  
 DiFruscia, Anthony  
 Fesh, Robert  
 Griffin, Mary  
 Hutchinson, Rebecca  
 Langley, Jane  
 Moore, Benjamin  
 Nowe, Ronald  
 Priestley, Anne  
 Raynowska, Bernard  
 Sapareto, Frank  
 Tufts, J Arthur  
 Weare, Everett

Arndt, Janet  
 Blanchard, MaryAnn  
 Dowling, Patricia  
 Flanders, David  
 Hamel, Albert  
 Katsakiores, Phyllis  
 Langone, John  
 Morse, Charles  
 O'Neil, Michael  
 Putnam, Ed II  
 Rubin, George  
 Stickney, Nancy  
 Varrell, Thomas  
 Welch, David

Beaulieu, Jon  
 Christie, Andrew Jr  
 Downing, Michael  
 Gleason, John  
 Henderson, Warren  
 Kelley, William  
 Letourneau, Robert  
 Norelli, Terie  
 Packard, Sherman  
 Quandt, Marshall  
 Ruffner, Walter  
 Stone, Joseph  
 Vaughn, Charles  
 Whittier, John

Belanger, Ronald  
 Cox, Russell  
 Dunham, Vivian  
 Grant, Kenneth  
 Hutchinson, Karen  
 Kobel, Rudolph  
 Major, Norman  
 Nowe, Mary Lou  
 Pitts, Jacqueline  
 Rabideau, Marie  
 Sabella, Norma  
 Stritch, C Donald  
 Verani, Giovanni  
 Zolla, William

### STRAFFORD

Cossette, Larry  
 Kaen, Naida  
 Smith, Marjorie

Domingo, Baldwin  
 McKinley, Robert  
 Woods, Phyllis

Gilmore, Gary  
 Pelletier, Arthur

Grassie, Anne  
 Pelletier, Marsha

### SULLIVAN

Burling, Peter  
 Jones, Constance  
 Robb-Theroux, Amy

Cloutier, John  
 Kibbey, David  
 Tuthill, John

Donovan, Thomas Jr  
 Leone, Richard  
 Wiggins, Celestine

Flint, Gordon Sr  
 Phinizy, James  
 Young, David

### NAYS 99

### BELKNAP

Pilliod, James

Russell, David

Thomas, John

Wood, Jane

### CARROLL

Chandler, Gene

Patten, Betsey

### CHESHIRE

Burnham, Daniel  
 Riley, William

Doucette, Richard  
 Royce, H Charles

Pratt, Irene

Pratt, John

### COOS

Davis, Perley

Mears, Edgar

Pratt, Leighton



**GRAFTON**

Almy, Susan	Copenhaver, Marion	Marshall, Gene	Solow, Martha
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**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bergin, Peter	Buckley, Raymond	Calawa, Leon Jr
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr
Flora, Kathleen	Garrish, Linda	Haley, Robert	Hall, Betty
Johnson, Lionel	Konys, Christine	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lozeau, Donnalee	McColgan, Philip Jr	Melcher, Harold
Mosher, William	Murphy, Robert	O'Hearn, Jane	Reidy, Frank
Rowe, Robert	Thulander, O Alan	Turgeon, Roland	White, John

**MERRIMACK**

Brewster, Richard	Crosby, Toni	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	French, Barbara	Gile, Mary
Maxfield, Roy	Moore, Carol	Potter, Frances	Wallner, Mary Jane
Yeaton, Charles			

**ROCKINGHAM**

Case, Margaret	Clark, Martha	Flanagan, Natalie	Flanders, John Sr
Francoeur, Sheila	Johnson, Robert	Kane, Cecelia	Noyes, Richard
Pantelakos, Laura	Shelton, Richard		

**STRAFFORD**

Brennan, William	Brown, George	Brown, Julie	Callaghan, Frank
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Heon, Richard
Johnson, Nancy	Keans, Sandra	Knowles, William	Musler, George
Rogers, Rose Marie	Rollo, Michael	Snyder, Clair	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Wall, Janet

**SULLIVAN**

Allison, David

and the motion was adopted.

Rep. Solow voted Nay and intended to vote Yea.

**REMARKS**

Rep. Mirski: Thank you, Madam Speaker. I'll try to make this quick. This is difficult for me because I like the Chair of the House Judiciary Committee and unfortunately it involves him. At some point during my first year in this House, I rose to invoke personal privilege and the then-Speaker informed me that what I really wanted was to ask for Unanimous Consent since the implication of personal privilege was really for the purpose of defending one's honor and reputation or for the purpose of correcting a wrong which one might have done to another member and in order to make an apology. Having been corrected, I asked for Unanimous Consent, said my piece and sat down and since then I have had no cause to invoke Personal Privilege until today. Today, I rise primarily for the purpose of expressing my apologies to a number of members of this House, in fact, probably to the House as a whole. I find I have misled you, given some wrongful advice and most importantly diffused your righteous opposition and objections to those impeachment investigation proceedings which conflicted with your inherent right or the inherent right of members of this House to participate and be informed. The member from Hudson, who strenuously objected to the Committee's closing of its doors, who prepared the basis for a Constitutional challenge to the Committee's plunge into secrecy and who worked so hard to gather support of the rest of the House member's rights of access and to whom I failed to give proper support, I deeply apologize. To the member from Epsom, the member of the Judiciary Committee who so strenuously fought on behalf of the public's right-to-know and to whom I also failed to give vigorous support when it was

most critically needed in the beginning, I apologize. For those New Hampshire citizens whose dismay with our Judiciary is palpable and who so desperately wish for judicial reform, I let you down, too. When you pointed out that the Judiciary Committee proceedings were going sideways rather than toward the mark, instead of contesting that new direction, I asked you to stay your concerns; and, to the press when you confronted the Speaker on the matter of your right-to-know, I remained silent. As a sponsor of HR 50, and in my heart knowing better, I accept responsibility for these failures. You nevertheless deserve to know why I succumbed to the notion that principle could, perhaps, be set aside just for a moment if a greater good might ensue. Having repeated a historic and recurring human failing, I painfully relearned an old lesson and that is that the sloughing off of principle is instantly damaging to the public as well as one's own perception of one's character. In the end, I can assure you the end is not worth the damage inflicted by the means and so you deserve an explanation. In early December of 1997 and when I served on Fairbanks II, a vote was taken to subpoena the secret records of complaints against judges. The vote was six in favor and three against. After the vote, the members were informed that the records would be subpoenaed on the following Wednesday or Thursday. To my great surprise, the Chair, without a vote of the Committee, stayed the issuance of that subpoena. By the middle of the following week, not only had the subpoena not been issued, but the Committee membership was increased by the addition of two new alternate members who were appointed by the Speaker and during that same period, per subpoena, Committee members were intensely lobbied by Majority and Minority Leaders to change their minds, this is to get the records of the JCC. Sure enough, with the aid and vote of a new alternate who, up until that moment had not heard so much as a minute's testimony on the subject of Judge Fairbanks' wrongful behavior, the subpoena was killed and the effort to get at the secret records of the court defeated. I learned what power and influence the Chief Justice was able to exert on legislative leadership, quite frankly, from that experience. Last year, having sponsored the Bill of Address, I learned the extent to which the New Hampshire Bar's bluebloods were prepared to circle the wagons. I learned how aggressive the Judiciary's power elite could be in defense of wrongful behavior by one of their own. And once again I learned just how supine certain legislators would become in the face of illusory power of the court and it is illusory. So, by noon of the Wednesday before the impending Thursday vote on HR 50, the Minority Leader and I agreed that the vote of five committee members would be, excuse me, I got a little ahead of myself. We did have a minor dispute about the drafting of that bill, but by the Wednesday before the impending Thursday vote on HR 50, the Minority Leader and I had agreed that the vote of five committee members would probably be sufficient to compel testimony. This is all about my interest in getting the minority on this committee the chance to question whom they wished. So, imagine my dismay when, at noon, the majority leader balked, refusing to grant the minority the ability to compel testimony. Since I was a prime sponsor, I decided that I wouldn't sign off unless the interests of the minority were somehow served. By 3:00 p.m. or so, neither the Majority Leader nor I had budged and it appeared that there would be competing impeachment resolutions on the floor the following day. At that point, working very hard in the background, the representative from Litchfield, and I thank you, secured from the Chairman of the Judiciary Committee the promise that if a minority member wanted a particular party deposed or questioned, the Committee member and the Chair would go to counsel and have the subpoena issued. The impasse was broken, the House leadership was quickly informed of the arrangement, the minority interests on the committee were secured upon the honor of the Chair. Preceding the vote on HR 50, minority members expressed their appreciation to the Chair for his commitment to their interests. Feeling secure and believing that the Chair would honor his word, I stepped back from my natural inclination to comment when Committee proceedings began to go awry. I restrained myself when committee counsel advanced a variety of goofy ideas on matters concerning separation of powers in the role of the court, ideas utterly in conflict with the Constitution's intent, and when friends in the House complained about committee procedures I advised them to place their faith in the Chair. As long as the minority of the committee remained able, through the authority specifically granted the Chair and the language of HR 50, and the opportunity to go wherever the inquiry might lead remained, so instead of standing on principle when principle demanded a response, I tried instead to honor what for me was a difficult quid pro quo, the deferential treatment of the process. Unfortunately, the Chair refused to honor the promise which was made to the representative from Litchfield, to me and to the minority members of the Judiciary Committee. The minority had requested that Attorney Bussiere, Justice Thayer's

mentor and bank, Michael O'Malley, late of the Governor's office and Judith Thayer be deposed. The majority of the Judiciary Committee have refused to depose these potential witnesses or to question them otherwise. The Chair's refusal to exercise the authority given him under the terms of HR 50 to make good on his promise to minority members to bring before the Committee those individuals whom they wished to have questioned. And what might members learn from questioning these witnesses? Mr. O'Malley is believed to provide insight as to what truly motivated the particular direction and thrust of the AG's report. Mr. McLaughlin notified every political leader of consequence about his intentions, excluding, however, members of the Executive Council. Executive Councilors represent 250,000 voters, more or less. The Executive Council has the same constitutional responsibilities as the Governor with respect to nomination and approval of judges. Why were the councilors excluded from the AG's information loop? Mr. O'Malley's foreknowledge of the AG's intention speaks to Mr. O'Malley's unique position in the Governor's office. Why would the Committee not want to know the truth about who knew what, where and when? It is anticipated that Judith Thayer, incidentally Judith Thayer is the victim of the underlying offense which propelled this entire case into the public. She is the victim. We believe that she could provide insight into the true culture of the court. Judith Thayer would have asserted that Stephen Thayer regularly complained of a working majority on the Court which predetermined the outcome of cases. She would likely identify the justices who conspired in that way and in doing so would likely give credence to Justice Horton's assertion that Justice Brock picked retired Justice Batchelder to sit Claremont II because he knew how Batchelder would vote. In his recent public remarks, Sherman Horton did not, as has been reported, back away from that assertion. What he said to that committee was that it didn't take a Rhodes scholar to understand why Brock wanted Batchelder on the Claremont II panel given Batchelder's arguments during the Claremont I deliberations. Horton said that, in effect, Brock had two votes. Were it revealed, for example, that Justice Batchelder, Justice Brock and Justice Johnson formed a majority which regularly predetermined the outcome of cases, would the members of this House begin to think differently about who the court truly served and would members of this House reconsider the importance of Justice Horton's remarks concerning Justice Brock's packing of Claremont II? Now, might Mr. Bussiere be able to inform us about the nature of the relationship, financial or otherwise with Judge Thayer? Might we determine if and how that relationship benefited Attorney Bussiere either because of Judge Thayer's position on the Court or because Judge Thayer was liaison to the Court's professional conduct committee? Might we learn if there were other Judges or even members of the Professional Conduct Committee who have a financial relationship in connection to Attorney Bussiere? If so, what might those relationships have meant to Attorney Bussiere's friends, clients and other member of the New Hampshire Bar? My friends, these questions remain unanswered and the true dimension of the Court's potential duplicity and corruption quite frankly remains shrouded on account of the Committee's failure to delve more deeply into the internal structure of the Court and the particular relationships which drive it. I will say this, listening to a vast amount of the Committee's proceedings on the radio, I've come to admire the capacity of the Judiciary Committee members to question and cross examine witnesses. I have great faith that the Committee members can quickly determine the inherent worth and depth of testimony which might be provided by Bussiere, Thayer and O'Malley. The Committee has a great deal to gain and only a bit of time to lose in granting the minority's wish to depose and question these individuals. At the moment, truth is being suppressed because the Chair refuses to honor his promise to minority members. As for me, the Chair's failure to honor that commitment to minority members of the Judiciary Committee has impugned the integrity of the assertions I made to members of this House and the press and the public and his refusal to honor his promise diminishes the stature of members of leadership whom I respect because by inference it can easily be assumed that leadership seeks to suppress the truth. I expect that the Chair will want to respond to these remarks. I have no doubt. And I expect that some members of the House may rise to his defense but I will tell you that whatever rationale or explanations are put forth, when the dust settles certain simple facts remain. A promise was made and a word of honor given. Neither were fulfilled. Perceptions of my own personal integrity suffers the consequence. So, once again, to those I've unintentionally offended or misled as a consequence of my faith in the word of the Chair of the House Judiciary Committee, I apologize. Thank you, Madam Speaker.

Rep. Mock: Thank you, Madam Speaker and members of the House. I never thought that I would have to stand here to protect my reputation or to protect my name, but I do. I do it calmly because



this is important to me. From the very first inception of HR 50, outside forces have done their damndest to take over this investigation and it was I who stood in their way and it was 21 other members who stood with me. I have said this from the very beginning and I told a caller to my home on Saturday night at 6:33 p.m. that he would subpoena witnesses before my committee over my dead body and he told me that unless he had an apology from a certain committee member that he would turn the power of the pen against the committee with certain news media that he could use and further that if I didn't invite or subpoena a certain lady to testify before the Committee that he was going to do something. I don't know what he said. At that point, he had me riled and I told him about my dead body. And, there have been times through this whole thing when I've thought I wasn't too far from there, but I do want to address the one thing here that is upsetting. Henry Mock never, ever made a promise that he would subpoena anyone that a minority of the committee wanted unless he agreed with it. If they thought for a minute that I was going to subpoena Mickey Mouse or I was going subpoena someone to listen to a divorce case or subpoena someone looking into the Claremont school case, unless it was necessary in the scope of our charge, then they don't know me. House Resolution 50 told us to investigate within the confines of the Attorney General's report and wherever that might take us. It wasn't about Claremont and it wasn't about comments made between a husband and his wife. Sorry. Now, a lot goes on in these hearings you don't see. And you are right, these things were kept behind closed doors for weeks and I'm glad that they were. That's exactly where they should have been at that stage, of course. As a matter of fact, I stood here and said that one day and you gave me a standing ovation and the committee thanks you for that. Behind, in the little ice cream parlor opposite our hearing room, one day I had three or four over here wanting Mr. or Mrs. So-and-So. I had a bunch over here wanting someone else, some saying yes, some saying no. I went to the window. I looked out at the pigeons sitting on the window sill and I thought what a nice life they have and then my German temper showed and there is nothing wrong with that and I don't apologize for my temper which some editorialists have critiqued. I turned around and I said, "That's it. I've made a decision. Every single subpoena in this committee, because you people can't decide for yourselves, every single one from now on will be issued by majority vote and it will be done right out there where we can go out there and perform like damn fools which is what we are doing right now." That is exactly what I said. I apologize, Madam Speaker, for the language. But, I want to be honest. So, back to my original, furthermore, just on the little promise, I agreed to accept the power of the subpoena if I myself approved of the suggested witness. On the other hand, if I didn't, I went one step further. I said: "Let the committee decide." They could have overridden even me. So, I think I have been fair. The poison pen that I was threatened with on Saturday night is functioning and it functions with inside information and it's not all correct. For instance, this morning's or yesterday's had half of my committee playing in a golf tournament. Not one single member of the Judiciary Committee was absent yesterday playing golf. And, if I was on the Mount Washington boat last Wednesday night, I'll tell you that boat has shrunk in size because I was on a boat. But I wasn't on the Mount Washington. I think to interject what has been interjected here today into these proceedings at this critical time is absolutely unthinkable. Some people don't understand when they are ahead. Thank you.

### UNANIMOUS CONSENT

Rep. Rose addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of receiving the report of the Judiciary Committee pursuant to HR 50, only.

Adopted.

The House recessed at 1:00 p.m.

### RECESS

### (Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 20

Wednesday, July 12, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Lynn Johnson, Pastor of the West Rumney Community Church.

God of Enlightenment and Truth, in a day of grave decision and conflicting emotions, we pause to acknowledge Your presence, Your power and Your authority. We remember You as the author of justice, the creator of human abilities and the judge of human limits and wrongdoing. We confess that we know ourselves to be human, created with joyful abilities and wondrous potential, but also limited by boundaries of time and history and by our own mistakes and failings. We come with a sense of calling to make decisions of lasting import; we come with humility, acknowledging that we make those decisions with limited insight and fallible understanding. We come in faith, remembering that You have promised that You are in our midst and, therefore, daring to believe that peace, compassion and justice are real possibilities. Let insight and integrity lead to inspiration; may new life emerge from these difficult times and may this body work to forge a future that is better than the past. Living and righteous God, may our deliberations be infused with Your wisdom; may our divisions be healed with Your understanding and may our decisions reflect the light of Your compassionate justice. Amen.

Rep. Kenney led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Representatives Patricia Cote, Perkins, Searles and Turgeon, the day, illness.

Representatives Boriso, Daniels, Frances Davis, Densmore, Domingo, Feuerstein, French, Glines, Konys, LaMott, Mikowski, Rubin, Spang, Nancy Wall and Donald White, the day, important business.

### INTRODUCTION OF GUESTS

Charlene Kane, daughter of Rep. Cecelia Kane. Anna Leszczuk and Anja Zschau, guests of Rep. Owen. Heidi and Kristie Tillotson and Charleston and Chelsea Hoadley, granddaughters of Rep. Hoadley. Rebecca, Joshua and Sara Brothers, wife, son and daughter of Rep. Brothers. Walter Gazda, guest of Rep. Lionel Johnson. Alicia Trider and Dr. Robert Seidman, granddaughter and guest of Rep. Gile. Regine and Sani Piteri, daughters of Rep. Nolan-Piteri. Barbara Brewster, Jean Gove and Audry Sheaffer, wife, sister and guest of Rep. Brewster. Helen Holbrook, wife of Rep. Holbrook. Judy Pilliod, wife of Rep. Pilliod. Barbara Ryan and Lisa Sears, guests of Rep. Bouchard.

### SPECIAL GUESTS

Mercedes Sabio, Director of Content, Communications and Broadcast for New Hampshire Public Television, and Mark Handley, President and General Manager of New Hampshire Public Radio, guests of the House.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 26

Honoring New Hampshire Public Radio and New Hampshire Public Television

WHEREAS, the stated missions of New Hampshire Public Radio and New Hampshire Public Television are respectively to help create a more informed public, one challenged and enriched by a deeper understanding and appreciation of state, national and worldwide events, ideas and culture, and to serve the public interest through education, culture and citizenship, and

WHEREAS, New Hampshire Public Radio and New Hampshire Public Television each did recognize the great significance and historic precedent of House Resolution 50 when it was adopted on April 13, 2000, authorizing and directing the House Judiciary Committee to investigate whether cause did exist for the impeachment of any State Supreme Court Justices, and

WHEREAS, New Hampshire Public Radio and New Hampshire Public Television each did decide to perform a valuable public service and each did interrupt regular broadcast schedules to provide citizens of the state with live gavel-to-gavel coverage of the House Judiciary Committee's impeachment hearings, and

WHEREAS, New Hampshire Public Radio and New Hampshire Public Television did provide the people of New Hampshire with the opportunity to listen to, to view and to learn all of the details while the House Judiciary Committee did deal with this most critical issue, and

WHEREAS, New Hampshire Public Radio's and New Hampshire Public Television's exemplary staffs of journalists, producers, directors and engineers did broadcast and telecast more than two hundred and fifty hours of live, day-and-night coverage of the proceedings, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that New Hampshire Public Radio and New Hampshire Public Television each receive the highest of plaudits and accolades for the valuable public service each did provide to the citizens of New Hampshire with live coverage of the impeachment hearings, and be it further

RESOLVED, that the House of Representatives acknowledge and commend New Hampshire Public Radio and New Hampshire Public Television for their outstanding achievements, and that suitable copies of this Resolution be prepared for presentation to New Hampshire Public Radio and New Hampshire Public Television.

Unanimously adopted.

## **JUDICIARY COMMITTEE REPORT PURSUANT TO HR 50**

### **MAJORITY COMMITTEE REPORT**

#### **BACKGROUND**

Reps. Henry P. Mock and Janet G. Wall for the Majority of Judiciary: House Resolution 50 was passed by the House of Representatives on April 9, 2000 on a vote of 343 to 7. The language of the resolution authorizes and directs the House Judiciary Committee "to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and/or any other justice of the New Hampshire Supreme Court" and to report to the House "such resolutions, articles of impeachment, or other recommendations that it deems proper." The language of the resolution also clearly defines the scope of the investigation to the "report of the attorney general, and any information arising out of the judiciary committee investigation."

HR 50 gave the Committee the power to conduct a thorough investigation, including the power to issue subpoenas for testimony and documents and the power to take depositions. The Committee undertook this exercise of constitutional power with the realization that it was going to set historic precedent as the first impeachment inquiry in New Hampshire in 210 years. Under the New Hampshire Constitution, Part II, Articles 17 and 38, the House of Representatives is the "grand inquest of the state; and all impeachments made by them, shall be heard and tried by the senate." The House is directed by the Constitution to determine whether certain conduct may be "bribery, corruption, malpractice or maladministration" constituting impeachable charges which shall be sent over to the Senate for a full trial.

This impeachment investigation was the result of a report issued by the Attorney General on March 31, 2000 which raised questions about the conduct of justices of the Supreme Court. That report followed the resignation of W. Stephen Thayer as an Associate Justice on March 29, 2000.

Special Counsel Joseph D. Steinfield was engaged to represent the Judiciary Committee. The Committee began by adopting its own rules and procedures for the conduct of the investigation. The Committee determined to begin by taking depositions (attended only by committee members, special counsel and deponent's counsel) and by issuing subpoenas for documents. Although there was some criticism, the initial stage of the investigation was conducted in private. The members of the Committee believed this was necessary in order to protect the strategy and integrity of the investigation. This decision was challenged by the counsel for the Committee on Judicial Conduct ("JCC") who asserted that he should be able to attend the depositions of the justices and other court employees in order to protect confidentiality of the JCC under Supreme Court Rule 40. Hearings were held in both Merrimack County Superior Court and the Supreme Court (before a specially appointed panel of superior court judges). Both court orders protected the integrity of the Judiciary Committee investigation and barred the JCC's counsel from attending the depositions. Despite the untimely interference with the progress of its inquiry, the Committee took 19 depositions and issued many subpoenas during this first part of its inquiry.

On May 30, 2000, at the conclusion of the initial stage of the investigation, Special Counsel issued an Interim Report to the Committee. The Interim Report included legal and historical research about impeachment and a summary of the evidence gathered up to that date. The Committee next adopted procedures for the second stage of its investigation, the taking of public testimony. With the information already gathered, the committee determined the witness list and identified the important issues arising from the first stage of the inquiry. This was a difficult task as the deposition testimony revealed varying and conflicting recollections of events, including some events that the Committee deemed of particular significance. Also as background to the issues to be addressed, the Committee considered the following constitutional provisions, statutes and Supreme Court Rules: **NH Constitution, Pt. I, Art. 35. The Judiciary; Tenure of Office, etc.**

*It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.*

**Supreme Court. RSA 490:3, I and II. Disqualification; Temporary Justices (emphasis added).**

*I. The provisions as to the disqualification of justices of the superior court apply to justices of the supreme court. Whenever a justice of the supreme court shall be **disqualified or otherwise unable to sit** in any cause or matter pending before such court, the **chief or senior associate justice of the supreme court may assign** another justice to sit according to the provisions of paragraph II of this section.*

*II. Upon the retirement, **disqualification, or inability to sit** of any justice of the supreme court, the **chief justice or senior associate justice of the supreme court may assign** a justice of the supreme court who has retired from regular active service to sit during supreme court sessions while the vacancy continues, or he may notify the chief justice or senior associate justice of the superior court of such vacancy. Upon such notification, the chief justice or senior associate justice of the superior court shall provide the supreme court for each day of sitting during a session while the vacancy shall continue with the names of 2 or more superior court justices in regular active service or who are retired and are not otherwise disqualified. **The chief justice or senior associate justice of the supreme court may then assign** a justice to sit temporarily on the court from among those superior court justices whose names have been provided.*

*III. A justice assigned to sit temporarily on the supreme court pursuant to paragraph II of this section shall have all the authority of a supreme court justice to hear arguments, render decisions, and file opinions. No justice shall be assigned to sit on the supreme court in the determination of any cause or matter upon which he has previously sat or for which he is otherwise disqualified nor without his consent.*

**Statements Out of Court. RSA 495:1. Statements to Judges.**

*No judge, justice, magistrate, county commissioner or commissioners in whose court or before whom any suit at law or in equity, petition or other proceeding is pending or to be heard or tried shall listen to any statements in regard thereto, except in open court or in the presence of all parties thereto.*

**Criminal Code, RSA 640:3 Improper Influence**

*I. A person is guilty of a class B felony if he:*

*(a) Threatens any harm to a public servant, party official or voter with the purpose of influencing his action, decision, opinion, recommendation, nomination, vote or other exercise of discretion; or*  
*(b) Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, argument or other communication with the purpose of influencing that discretion on the basis of considerations other than those authorized by law; or*

*(c) Being a public servant or party official, fails to report to a law enforcement officer conduct designed to influence him in violation of subparagraph (a) or (b) hereof.*

*II. "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.*



## **NH SUPREME COURT RULE 38. CODE OF JUDICIAL CONDUCT**

*(adopted by the Supreme Court in 1973)*

### **Canon 2A. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities**

A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

**Canon 3A(1)-(4). A Judge Should Perform the Duties of His Office Impartially and Diligently**  
The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

#### **A. Adjudicative Responsibilities.**

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law. He should not permit private interviews, arguments or communications designed to influence his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for ex parte application.

#### **B. Administrative Responsibilities.**

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) If a judge shall become aware of unprofessional conduct by a judge or a lawyer

(a) he shall in the instance of a judge report his knowledge to the committee on judicial conduct, and (b) he shall in the instance of a lawyer, report his knowledge to the committee on professional conduct.

(4) A judge should not make unnecessary appointments. He should exercise his power of appointment only on the basis of merit, avoiding nepotism and favoritism. He should not approve compensation of appointees beyond the fair value of services rendered.

#### **C. Disqualification.**

(1) A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:

(a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(c) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or is a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(d) he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) is acting as a lawyer in the proceeding;

(iii) is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) is to the judge's knowledge likely to be a material witness in the proceeding;

(2) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.



(3) For the purposes of this section:

- (a) the degree of relationship is calculated according to the civil law system;
- (b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;
- (c) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:
  - (i) ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the funds;
  - (ii) an office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;
  - (iii) the proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;
  - (iv) ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

#### **D. Remittal of Disqualification.**

A judge disqualified by the terms of Canon 3C(1)(c) or Canon 3C(1)(d) may, instead of withdrawing from the proceeding, disclose on the record the basis of his disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation, all agree in writing that the judge's relationship is immaterial or that his financial interest is insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceeding.

After considering the evidence presented in the first stage of the investigation, the committee determined that the following events or transactions should be the focus of the public phase of the inquiry. Some of the issues were not adopted by the Committee as part of its final determinations, but are included in this report because they played a major role in the deliberative process.

**1. Feld's Case Conduct.** This transaction began with the underlying case of Bussiere v. Roberge. Justice Johnson drafted the opinion and expedited it at the request of Justice Thayer. The Court affirmed the lower court ruling in favor of Bussiere whom then filed a professional conduct complaint against Attorney Feld (attorney for the Roberge family). The Professional Conduct Committee recommended that Feld be disbarred and the Judicial Referee appointed by the Supreme Court recommended public censure. When the recommendations came before the Supreme Court, Justices Thayer, Horton and Broderick were all recused. Justice Johnson again drew the job of drafting the opinion and it was distributed to all the justices. The case conference was scheduled for April 23, 1999 and all justices, including those recused, were present. The recollections of the witnesses as to what happened at the conference differ. The draft opinion is in evidence and includes various comments by the justices written on its face by Justice Johnson and with apparent input from recused justices, including Justice Thayer who was a long-standing friend of Attorney Bussiere (social and financial relationship) and who commented about the ultimate sanction. The after-conference reaction of the justices to the comments made by Justice Thayer also differs. Justice Johnson and others testified that he was very upset and shared his anger with Justice Brock. Chief Justice Brock doesn't remember anything inappropriate happening at the conference and advised Justice Johnson later that judicial confidentiality (the confidentiality of the conference) outweighed any duty to report inappropriate conduct. (Other justices, both current and former, testified that they did not agree with Justice Brock's view of the confidentiality of the conference when presented with an ethical or other violation). Ultimately, a revised draft opinion and the final published opinion included the changes suggested at the April case conference.

**2. February 4, 2000 Conference.** All the justices had disqualified themselves from serving on any of the Thayer v. Thayer panels, so it was necessary to appoint either retired Supreme Court justices or Superior Court judges to sit on a temporary basis (see RSA 490:3). Prior to the February 4<sup>th</sup> conference, Justice Thayer had asked Justice Brock in chambers whether he would appoint three justices instead of five to his appeal panel. On February 4<sup>th</sup> a Counsel's Agenda was scheduled and was attended by Court Counsel Eileen Fox and the four sitting justices. At that meeting, Chief Justice Brock announced that he was appointing Judges Mangones and Pappagianis to the Thayer divorce panel. Everyone in the room testified that they felt that Justice Brock was inviting comment on his appointment choices. Justice Brock, however, says that was not his intention. Everyone agrees that Justice Horton (recused) and Justice Thayer (recused and a party to the case) responded to the state-

ment by expressing opposition to the Pappagianis appointment. All the witnesses also agree that Justice Brock then left the room and that he went to talk to Clerk Howard Zibel about the appointments to the Thayer panel. Justice Brock testified he went to delay the phone call to Judge Pappagianis. Was Justice Brock influenced by the Thayer statements? It is not clear whether they talked about Judge Mangone's conflict at that point or at some later time that day. When Justice Brock returned to the conference room, he asked Justice Thayer to step outside the room. He then asked Justice Horton (also recused) to explain his opposition to Judge Pappagianis whereupon it became clear that Horton thought it was an appointment to the JCC panel. The communications by Justice Brock to Justice Thayer and Horton are prohibited ex parte communications under RSA 495:1.

**3. The Alleged Hallway Conference on Feb. 4<sup>th</sup>.** The determination of whether a hallway conversation happened during the time of the Feb. 4<sup>th</sup> conference is crucial to the Committee's determinations because if it did, it would be a prohibited ex-parte communication. Justice Thayer says it happened; Justice Brock says it did not. Therefore, the question of how Justice Thayer got back into the room is key. However, the testimony about this transaction is in conflict. Eileen Fox states that Justice Brock left the room to get Justice Thayer and that she did not leave the room. Justice Broderick states that Justice Brock asked Fox to get Justice Thayer. Justice Brock states that either he asked Fox to get Justice Thayer or that he may have stepped out of the conference room to ask a court employee to find Justice Thayer. Additionally, there is a court employee (discovered through interrogatories to the Court) who testified that she saw Justice Thayer in the hallway outside the conference room at that time. Justice Thayer states that Justice Brock came out to get him and they had a hallway conversation about the appointment of Judge Pappagianis to his divorce panel. Thayer says that Brock also asked him whether he had a problem with Judge Mangones and whether Judge O'Neill was okay and then they went back into the conference room. Justice Brock denies that the hallway conversation took place and says he did have a conversation with Justice Thayer later in the law clerk's wing. After Justice Thayer returned to the room the Counsel's Agenda continued. Testimony differs on what was and wasn't said about the Pappagianis appointment after the meeting resumed.

**4. The Weeks after the Feb. 4<sup>th</sup> Incident – Reports to JCC and Attorney General.** During the days and weeks that followed, there were many conversations and discussions about whether comments made on February 4<sup>th</sup> were inappropriate, whether there was a duty to report to the JCC or to law enforcement for Justice Thayer's attempts to influence; and whether anyone was actually going to report. The Zibel memorandum was drafted and discussed by members of the Court and various court employees. There are also questions about the conversations between Justice Thayer and Justices Brock and Broderick and whether any reportable threats were made by Justice Thayer. Again, there are many differing recollections.

Howard Zibel concluded by February 14<sup>th</sup> that he had a duty to report the conduct. Justice Broderick testified that he initially believed there had been "unintended ethical lapses" by Justice Brock, but that reporting would damage the judicial system more than any damage that had occurred and so he decided not to report but rather to discuss the matter with all the justices individually. Justice Horton had not realized the inappropriateness of the conduct until Justice Broderick informed him. On February 14<sup>th</sup>, Justices Brock and Broderick and Court Counsel Fox decided to retain both counsel for the Court and counsel individually. On February 17<sup>th</sup> Justices Brock, Broderick and Horton filed a report with the JCC about the February 4<sup>th</sup> comments by Justices Thayer and Horton and about the comments made by Justice Thayer at the Feld's Case conference in 1999. On February 22<sup>nd</sup>, Howard Zibel filed a report with the JCC. On February 25<sup>th</sup>, Attorney Michael Ramsdell, on behalf of Chief Justice Brock, delivered a copy of the Zibel memorandum to the Attorney General. Also, Justice Brock testified that he assumed another letter reporting criminal threats by Justice Thayer under RSA 640:3(c) had been filed with the Attorney General by his attorney. Later he testified that he had known that the letter had not been sent.

**5. Court Recusal Policies.** The court has had a long-standing policy of allowing disqualified or recused (used by the committee to mean the same thing) to participate in cases by receiving draft opinions, attending the confidential case conferences, and commenting on grammar or style. Opinions differ on the extent to which comments beyond style were made or whether recused justices ever influenced outcomes. It is possible that, at least in Feld's Case, the comments by recused justices changed the scope of the opinion. Since the release of the Attorney General's Report, the Court has adopted and instituted a new policy prohibiting participation by recused justices.

**6. Home Gas Matter.** This matter came to the attention of the committee through testimony about an "old JCC matter regarding Justice Brock" by Howard Zibel and by documents provided by former Justice William Johnson at his deposition which included a memorandum concerning whether Justice Thayer should have been afforded an opportunity to appear before the justices as in "past practice." Further investigation revealed that in 1987, former Sen. Edward Dupont was a defendant in a case pending in Rockingham County (Home Gas v. Strafford Fuels, Inc and its President, Edward C. Dupont). An order had been issued in the superior court against Dupont and then after various motions a petition for writ of certiorari had been filed for review by the Supreme Court. The petition was granted and the Supreme Court reversed a portion of Judge McHugh's order and remanded the case for trial (before Judge Gray). There is testimony that Sen. Bartlett (Senate President at the time) communicated to Justice Brock about the pending case, perhaps at the time of conversations about pending judicial legislation. Judge Gray stated that Justice Brock called him asking about the status of the case and told him who Dupont was. Justice Brock denies this phone call and instead states that he did call the Rockingham County Clerk, Ray Taylor, about the status of the case. Justice Brock says it was Judge Gray who called him. There is further testimony from Judge McHugh and a court stenographer that in March 1987 Judge Gray came into the chambers and stated that he had just been called by Chief Justice Brock.

In August, 1987 there was a hearing on a motion in the Home Gas case in Judge Gray's chambers. Judge Douglas Gray made comments in front of the attorneys for the parties about Sen. Dupont's opposition to judicial pay raises. Russell Hilliard, attorney for Edward Dupont, said that he told his client about the comments and his concerns after the hearing. In November 1987, Justice Brock wrote to Sen. Bartlett about Judge Gray's remarks suggesting that a recusal motion or a complaint to the JCC could be filed, otherwise he would have the comments "fully investigated" at the end of the case. In January 1988 Justice Brock wrote a letter to Sen. Dupont apparently responding to Dupont's comments about Judge Gray and again suggested a motion to recuse or a complaint to the JCC. No motion to recuse was filed nor was a complaint filed with the JCC. Justice Brock testified that suddenly in March, 1989, a "light bulb went off" and he remembered that he had not followed up on the matter. He discussed the matter with the other justices and they suddenly realized that there was a one-year statute of limitations for filing complaints to the JCC so nothing further could be done.

The Court then undertook to investigate the matter and report to the JCC even though the JCC no longer had any jurisdiction over the complaint. Justice Brock called Judge DiClerico who was the acting Chief Justice of the Superior Court and asked him to conduct an investigation relative to Judge Gray's remarks. Judge DiClerico stated that he had no idea what kind of investigation was being conducted but wrote letters to Judge Gray and to Attorneys Hilliard, Cassavechia and Hearn for a response to the comments of Judge Gray. Judge Gray had not been aware of the allegations before this time and was angry that he was being informed so long after the fact. Also, he had never heard of this type of investigation. Thereafter a meeting was held at the Court with Judges Gray and DiClerico and the Supreme Court justices. It was at that meeting that the conflict about the phone calls became apparent when Judge Gray said that Justice Brock had called him. The other justices (with Justice Brock not participating according to a letter from Justice Batchelder to Judge Gray) followed up on the discrepancy and determined that Justice Brock had made a phone call to Judge Gray. Justice Brock first testified in his deposition that this investigation had not taken place. Later he testified that in fact a "discreet inquiry" had been conducted about the phone call.

In October 1989, more than 2 years after the comments by Judge Gray, Justice Brock and the four other justices filed a letter with the JCC having found evidence that Judge Gray had made inappropriate remarks and that Justice Brock had made a phone call to Judge Gray. They also reported, however, that the phone call was not unethical, but that it could have made an inappropriate impression. The justices further stated that they had not filed within the statute of limitations (created by Supreme Court Rule) because they had decided it was better not to interfere with a pending case. The docket indicates, however, that the case continued to the end of 1989. The JCC responded that the letter was placed "on file."

The House Judiciary Committee took public testimony from 19 witnesses over a two week period. This provided an opportunity for the members and the public to judge the credibility of the witnesses and their recollection of the events in question. It was an opportunity for the members to question the witnesses more closely with the deposition testimony of all witnesses and all the col-



lected documents in hand. At the same time the justices and their attorneys were permitted to make either an opening or a closing statement to the Committee.

At the close of the public testimony, the Committee conducted two full days of deliberations in public. Each member had a chance to express his or her feelings and opinions and to ask questions of the other members and of Special Counsel. The Committee decided on a 12 to 9 vote to adopt a standard of clear and convincing evidence to measure whether the conduct rises to a level of an impeachable offense sufficient to send to the Senate for a full trial. It was expressed by many members, however, that each member would ultimately use his or her own individual threshold to determine if the burden of proof is met in each instance. The committee members are not bound by the Constitution to select or use a particular burden of proof. The Committee then decided it could recommend impeachment or certain other sanctions such as reprimand or censure. The Committee additionally determined that it would make recommendations for future judicial reform legislation in the Final Committee Report.

### COMMITTEE VOTE – JULY 5, 2000

The Committee decided to approach the vote justice-by-justice and to evaluate each one's role in the major transactions. The Committee also discussed and adopted a burden of proof after considering whether the appropriate burden would be 1) a preponderance of the evidence (slightly more than half); 2) clear and convincing evidence (middle ground); or 3) beyond a reasonable doubt (more than 95%). Some members did not believe that a burden should be adopted at all. However, although the Constitution doesn't require a particular burden for impeachment, the Committee voted 12 to 9 to adopt the clear and convincing standard thereby setting a high bar for cases of impeachment. The Committee also discussed alternatives to the constitutionally authorized impeachment and address actions and considered admonishment, reprimand and censure. The Committee formally adopted definitions of the three sanctions in order to consider them, even though there are members who do not believe the House has the authority to discipline judges beyond impeachment or address. The definitions are:

**Admonishment:** to express warning or disapproval in an earnest or solicitous manner.

**Reprimand:** in professional responsibility, a form of disciplinary action imposed after trial or formal legal proceedings that declares a judge or lawyer's conduct as improper but does not limit the person's right to practice.

**Censure:** to pronounce adverse judgment on, express disapproval of, criticize unfavorably; to find fault with, blame, condemn.

#### Justice Sherman D. Horton

The Committee found that Justice Horton participated in the Feld's Case conference, even though he was recused (disqualified). He received a draft opinion and he commented on the draft opinion during the conference. There is a clear concern about the participation of recused or disqualified justices, but the Committee did not believe that this transgression by Justice Horton rose to a level warranting disciplinary action.

Although the Committee regarded this conduct as inappropriate, no agreement could be reached because some members did not believe that the House has the power to discipline beyond impeachment or address and because some members did not believe the conduct rose to an impeachable level. For this reason Justice Horton was also excused for his conduct during the February 4<sup>th</sup> incident.

The Committee voted in favor of a resolution stating that the conduct of Justice Horton is not impeachable. (see HR 52)

#### Justice John T. Broderick

In accordance with the culture of the Supreme Court, Justice Broderick, along with other justices, participated in cases from which he was recused, a long-standing practice, recently discontinued and replaced with a new recusal policy.

The Committee scrutinized Justice Broderick's uncertainty about reporting the conduct in the February 4<sup>th</sup> conference where it is alleged that Chief Justice Brock solicited comments from the recused justices. (see HR 51, Article III) Justice Broderick testified that initially he had considered not reporting the incident as required by the Canons but would handle the matter internally. This possibility was troubling to the Committee.

As in Justice Horton's case, the Committee questioned its authority to discipline beyond impeachment and address. So, although the Committee concluded that Justice Broderick's actions were also



inappropriate, the members did not believe his conduct to be impeachable. Therefore, the Committee voted in favor of a resolution stating that the conduct of Justice Broderick is not impeachable. (see HR 53)

### **Chief Justice David A Brock**

The Judiciary Committee found by clear and convincing evidence that Chief Justice David A. Brock did engage in conduct that constitutes the impeachable offenses of maladministration or malpractice and voted three Articles of Impeachment. (see HR 51)

#### **Article I**

The Committee voted 14 to 8 that clear and convincing evidence exists to prove that in 1987, Chief Justice Brock engaged in conduct that constitutes impeachable offenses in that he placed a telephone call to Superior Court Judge Douglas Gray about the status of the Home Gas case and that in addition, he failed to report the telephone call to his colleagues at the time the Supreme Court had the appeal of the case under consideration.

#### **Article II**

The Committee voted 16 to 6 that clear and convincing evidence exists to prove that on or about February 4, 2000, Chief Justice Brock engaged in conduct that constitutes impeachable offenses in connection with the divorce case of Justice W. Stephen Thayer by engaging in ex parte communications with Justice Thayer (a party) and with the other justices, all recused from the case, in which he solicited their comments regarding judges to be appointed to the Supreme Court panel that would hear the appeal. Additionally, Chief Justice Brock participated in an ex parte communication with Justice Thayer in the hallway outside the Court's conference room in which he discussed possible appointments to the Thayer divorce appeal panel.

#### **Article III**

The Committee voted 17 to 5 that clear and convincing evidence exists to prove that Chief Justice Brock did knowingly testify falsely under oath to the House Judiciary Committee with the intention of hindering the HR 50 investigation with respect to 4 material matters.

By voting in favor of the three Articles of Impeachment the Committee concludes that Chief Justice Brock has committed impeachable offenses warranting a trial by the Senate.

### **Proposed Legislation**

The Committee voted to recommend passage by the House of HB 1500. This is special legislation which would allow Chief Justice Brock to resign his office between the time of an impeachment by the House and the beginning of a trial by the Senate and to receive the retirement compensation and benefits beginning on the date he would have begun receiving such compensation and benefits as if he had served until the age of 65.

### **Judicial Reform**

Throughout this process the Committee discovered many areas concerning the judicial branch of government which may fall within the purview of the legislative branch. These areas of concern may be considered for judicial reform. The issues include, but are not limited, to the following \*:

- Independent Office of the Courts
- Appointment process for substitute judges (RSA 490:3)
- Terms for all judges
- Contributory judicial retirement system
- Mandatory continuing ethics education for judges
- Independent Judicial Conduct Committee and Professional Conduct Committee
- Issues concerning mandatory NH Bar Association membership for attorneys

\*These are listed in no particular order and may require statutory or constitutional revisions.

### **Conclusion**

The Committee concludes that the culture of confidentiality which prevailed in the New Hampshire Supreme Court led to a callousness in the management of our Judiciary, engendering maladministration and malpractice, consequently culminating in these historic impeachment proceedings. It is our goal, as it should be, that it is in the best interest of all New Hampshire citizens not to tear down, but to build up the confidence of our citizens in all three branches of government. As Thomas Jefferson said to George Hammond in 1792, "It is reasonable that every one who asks justice should do justice." We concur.

## MINORITY COMMITTEE REPORT

Reps. Cynthia J. Dokmo and Martha S. Solow for the Minority of Judiciary: The extraordinary step of impeachment has been taken only when it seemed that the very workings of government itself have been endangered. As Special Counsel Joseph Steinfeld stated, impeachment is so grave, so serious, and so potentially threatening to the very independence of the separate branches of government that legislators throughout history have wisely chosen to follow the impeachment path only in the most heinous of circumstances. That was amply proved by the materials and tables submitted by Special Counsel. Even a casual review of the matters deemed sufficient to warrant consideration of impeachment shows that they are offenses so serious as to jeopardize the very workings of government itself. Historical context, the language in our own New Hampshire Constitution, and the penalties for impeachment make it abundantly clear that impeachable offenses under the New Hampshire Constitution can only be offenses of the most serious nature - not errors of judgment, not mistakes, not human error.

The New Hampshire Constitution contains four grounds for impeachment of state officials: "bribery, corruption, malpractice or maladministration." N.H. CONST., part 2nd, art. 35. Because none of the conduct before the committee implicates bribery, this report focuses on the three remaining grounds: corruption, malpractice and maladministration. The articles presented by the majority charge the Chief Justice with maladministration and malpractice. Though these terms are not well defined in case law, the research provided by special counsel states that statutory construction requires it to be interpreted in harmony with the words "bribery" and "corruption". Maladministration is not simple negligence or poor judgment. It involves intentional or at least reckless misconduct while serving a position of public trust.

It is essential to the preservation of liberty and our system of government that the court system be strong. As the only branch which is not subject to the political process, the court stands alone as the guardian of individual and minority rights. Therefore the remedy of impeachment should be used sparingly and only to address conduct which constitutes gross, intentional and outrageous behavior. To impeach for less would erode the separation of powers and impair the independence of the judiciary—both of which would weaken the court and upset the delicate balance of power between the three branches of government.

The charge to this Committee arose out of a flawed and incomplete investigation by the Office of the Attorney General of the State of New Hampshire. The three justices of the New Hampshire Supreme Court, who ultimately became the focus of the Judiciary Committee investigation, were not only not warned that they and their practices were being investigated but they were specifically told that they were not being investigated. Because of those misrepresentations the justices were denied the opportunity to explain the practices which caused the Attorney General to publish a report condemning practices which his office did not understand.

One must only read the majority report and articles of impeachment to see the deficiencies in the Attorney General's investigation. Each of the three articles is flawed and the majority recommendations should be rejected by the House.

Article I reaches back 13 years to a matter that was thoroughly investigated by the then Associate Justices of the New Hampshire Supreme Court. It was their unanimous conclusion that the conduct of Chief Justice Brock, which had been fully investigated by them, would not warrant any finding that he had acted unethically or that there was any impropriety in his actions. Now, 13 years after the events and 11 years after that investigation, the majority suggests that the full House, and ultimately the Senate, should second guess that investigation and find not only impropriety in that conduct, but also that it constitutes an impeachable offense.

This matter was clearly beyond the scope of HR 50. But even if it were not, there is nothing in the matters presented to the Judiciary Committee that would permit it to find, by clear and convincing evidence (the standard adopted by the committee), that it ought to recommend that the full House impeach Chief Justice Brock for conduct which by any standard does not rise to the level of an impeachable offense.

Article II deals with the events of February 4, 2000. Contrary to the statements of the only witness with immunity, none of the other Justices in the room expected Justice Thayer to comment and were totally shocked when his outburst occurred. Article II also ignores the testimony of Chief Justice Brock which emphatically contradicts the statements of Justice Thayer, a discredited, vengeful witness who had been granted immunity and who had threatened to bring down the court. There is

no proof that an ex parte conversation took place in the hallway. In fact, answers to seven separate questions by Howard Zibel confirm the impossibility of the so-called hallway conversation. This is further confirmed by an affidavit by a disinterested law clerk of the discredited witness which corroborates the Chief Justice's version of the events of that afternoon.

Article III accuses Chief Justice Brock of "knowingly" testifying falsely under oath to the HJC "with the intention of hindering the HR 50 investigation". There is not one single shred of evidence that Chief Justice Brock intended to "hinder the HR 50 investigation". The record is full of representations by his lawyers that they were doing everything in their power to obtain documents from the JCC. Those representations were acknowledged by Special Counsel. Allegations of false testimony should not be taken lightly. They should be asserted only after a very careful review of all of the evidence. That sort of review makes abundantly clear that the article misstates the facts and fails to recognize the fact that differing memories do not automatically equate to false testimony.

In his final report, Special Counsel quoted Justice Batchelder:

[J]udicial independence implies freedom from constraints which inhibit the free exercise of the judicial function as its myriad tasks are met in interpreting the Constitution and putting the law into play in the resolution of disputes arising within society.

He also noted that "[t]he Founding Fathers recognized the dangers of a weak judiciary" Final Report of Special Counsel, p. 21.

Every time a legislative body determines - or attempts to determine - that conduct which, viewed in the least favorable light, is, at worst, a mistake or an error of judgment should somehow be transformed into an impeachable event, it undermines the office and the institution it affects. The judicial branch is co-equal with the executive and legislative branches under the New Hampshire Constitution. When one branch attempts to reach out and charge an offense which is not defined by law such as malpractice or maladministration, it should be satisfied by clear and convincing evidence, that the offense rises to meet the high bar of impeachment. Otherwise, the risk is great that the impeaching branch will destroy the respect it is trying to protect and make its coordinate branch susceptible to weaker and weaker attacks. That is exactly what these articles of impeachment would do.

All of the evidence presented to the Judicial Committee lacks willfulness, lacks evil intent, or any of the basic underpinnings that could support a charge of impeachment.

For all of the foregoing reasons, the minority respectfully suggests that the House find that no grounds exist to impeach Chief Justice David A. Brock or any other Justice of the New Hampshire Supreme Court.

## RESOLUTION

Reps. Chandler and Nordgren offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1500 and House Resolutions numbered 51, 52 and 53 shall be by this resolution read a first and second time by the therein listed titles. Adopted.

## INTRODUCTION OF HOUSE BILL and HRs

### First and second reading

**HB 1500-FN**, relative to judicial retirement compensation and benefits for supreme court chief justice Brock.

**HR 51**, recommending impeachment of supreme court chief justice David A. Brock.

**HR 52**, recommending that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr.

**HR 53**, recommending that no article of impeachment be brought against supreme court justice John T. Broderick, Jr.

## HOUSE RESOLUTION NO. 51

recommending impeachment of supreme court chief justice David A. Brock.

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the house adopt the following resolution relative to chief justice David A. Brock; now, therefore, be it



Resolved by the House of Representatives:

That the judiciary committee has found, by clear and convincing evidence, that the house, acting under Part II, Article 17 of the New Hampshire constitution, has cause to request the senate to exercise its powers under Part II, Article 38 of the New Hampshire constitution to conduct a full and impartial trial to determine whether David A. Brock, chief justice of the supreme court of New Hampshire, should be convicted and removed from office if the senate concludes that he has committed any or all of the acts enumerated in the articles of impeachment below, each of which the house has determined, if proved, constitutes an impeachable offense as set forth in Part II, Article 38 of the New Hampshire constitution:

### ARTICLE I

During the period beginning on or about March 1, 1987 and ending on or about November 5, 1987, chief justice Brock engaged in conduct that constituted the impeachable offenses of maladministration or malpractice in connection with the case of Home Gas Corp. v. Strafford Fuels, Inc. and Edward C. Dupont ("Home Gas"). Specifically, chief justice Brock engaged in the following improper conduct:

1. Chief justice Brock placed a telephone call to superior court judge Douglas Gray, who was presiding over the case. During that conversation the chief justice inquired about the status of the case and informed judge Gray that Mr. Dupont was a state senator.

2. Chief justice Brock failed to report said telephone call to his colleagues on the supreme court at the time the court had the appeal of "Home Gas" under consideration.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

### ARTICLE II

On or about February 4, 2000, chief justice Brock engaged in conduct that constituted the impeachable offenses of maladministration or malpractice in connection with the case of Thayer v. Thayer, a divorce case in which W. Stephen Thayer, III, then a justice of the supreme court, was a party. Specifically, chief justice Brock engaged in the following improper conduct:

1. On February 4, 2000, chief justice Brock engaged in ex parte communications with justice Thayer and with the other justices, all of whom had been recused, in which he solicited their comments regarding superior court judges to be appointed to the supreme court panel that would hear the appeal of the trial court's judgment.

2. On February 4, 2000, chief justice Brock participated in an ex parte communication with justice Thayer in the hallway outside the court's conference room in which the chief justice discussed possible appointments to the supreme court panel that would hear the appeal of the trial court's judgment.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.

### ARTICLE III

Chief justice David A. Brock did knowingly testify falsely under oath to the house judiciary committee, with the intention of hindering the HR 50 investigation, with respect to the following material matters:

1. On May 19, 2000, he testified that he did not know whether or not a March 3, 2000 letter from his attorney had been sent to the attorney general's office.

2. On May 19, 2000, he testified that he did not have certain documents relating to the "Home Gas" investigation when in fact he did have those documents and had reviewed them within a few days before giving testimony.

3. On May 19, 2000, and on June 23, 2000, he testified that on February 4 he did not have a conversation in the hallway outside the supreme court conference room with justice Thayer.

4. On May 19, 2000, and on June 23, 2000, he testified that he did not make a telephone call to superior court judge Douglas Gray concerning the Home Gas case.

That chief justice David A. Brock has committed an impeachable offense warranting trial by the senate.



**MOTION TO PRINT DEBATE**

Rep. Chandler moved that the debate relative to House Resolution No. 51, House Bill 1500, House Resolution No. 52 and House Resolution No. 53 be printed in the Journal.

Adopted.

**DEBATE**

Rep. Mock: Madam Speaker and members of the House. I rise today in support of the majority of the Judiciary Committee recommending the impeachment of David A. Brock. None of us are here with happy hearts. Madam Speaker, I can barely hear myself, if we are going to impeach someone, I think we ought to be listening. We are here today to carry out an awesome responsibility. Not because we asked for it, but because it was assigned to us. Assigned by our forefathers and our Constitution. This is the first impeachment ever to take place in this building. This building was constructed in 1819 as you all know and there has never been a more somber day. Article 17, Part II of our Constitution declares this body to be the grand inquest of the state. The courts have recently confirmed that. That is why you and that is why I am here today. You hold in your hands and in your very being the power to impeach. Remember, to impeach is not to convict, not to throw out of office, but to declare the charges of misconduct serious enough to go to trial in the Senate. Neither are we here today to punish, because as my father told we three boys, only God does the punishing, not you. The New Hampshire Constitution was modeled after the Massachusetts Constitution constructed four years earlier. New Hampshire, being rather independent, as we all can be, didn't copy Massachusetts exactly. We settled on four reasons why a person could be removed from office or could be impeached: bribery, corruption, malpractice and maladministration. Today, we concentrate on the latter two terms: malpractice and maladministration. You may not know exactly what those words mean, but you, like I and the remainder of our committee, will know it when you hear it and when you see it. You will hear today that there are no articles or conduct that rise to the level of impeachment, but I remind the House that the first and the very last impeachment to occur in this state in 1790 was to impeach a judge for failure to come to work. Later today, this House will debate the recusal practice of the court. I will not get into that here but I will speak to it later. Also later, you will hear the opponents to impeachment belittle and degrade the Attorney General's investigation which was the very impetus for this investigation. Be aware that we were not assigned the task to investigate the Supreme Court but rather the very narrow area of the allegations outlined in the Attorney General's report and to any subject to which it may lead us. I bring that up because you know one of the strong defenses and one of the most common defenses used every day is to shoot the messenger and you will hear people say that justices of the court, when interviewed by Attorney General investigators, would have answered differently if they had known and it was clear that they were targets of the investigation. I reject that proposition. When you are asked a question by anyone, you answer it and there is only one answer. It is to be thorough and it is to be truthful. What makes the difference? And every justice that came before us, in unison, after two or three it became almost predictable what they would say: "The Attorney General didn't tell me that I was a target, I would have framed my answers differently." Are they suggesting they didn't quite tell it all the first time? That bothered me. I guess I was in law enforcement too long, maybe. The best defense, of course, is to poke holes in the investigation and you'll hear it later today. But let me tell you, in Washington a couple of years ago they trained a dog to do this work when they went after Ken Starr. We can't let that dog hunt here. A compelling reason to vote for impeachment articles is this: ask yourself this question, if the Clerk of the Court had not mustered the intestinal fortitude to report the poor behavior by Judge Thayer and others occurring on April 23, 1999 at the Feld's Case conference and the similar participation of recused justices at the conference at which the selection of the justices to sit on the Thayer v. Thayer divorce panel, if he had not revealed that, do you really believe that you would be sitting here today? Would it ever have been reported? I say not. The Feld Case went from April 23, 1999 to February, 2000 when it got reported finally by Howard Zibel and then finally by the Court itself. Why not report? Because they broke their own laws and you and I are familiar with Article 73-a where it says the rules of the court, their canons, shall have full force and effect of law. Remember that this winter? We sent that constitutional question to the Senate where it died. One justice in the Feld Case did complain. Justice Johnson went to the Chief Justice about reporting the terrible outburst by Judge Thayer and the answer came back from the Chief Justice: "The confidentiality of the conference is more important

than reporting the violation of the canon." Did they live by their own code? No. Did they foster their own code on others? Ask the lawyers who have been disciplined by the court. In the Snow Case, Judge Snow was suspended for six months without pay and later resigned for calling a police officer who had issued his brother a ticket and the court said in that ruling, "A judge's duty to obey the canons, especially to avoid the appearance of impropriety, cannot be taken lightly." So what got them into trouble? Secrecy. Secrecy of the court, confidentiality of the court, independence of the court, which I support to some degree. This investigation, if it accomplishes nothing else, has lifted the skirt of Lady Justice and taken a peek. Did we see anything there that was really, really naughty? Not too bad. But we have seen things that were absolutely wrong. Not only that, but her blindfold, justice is blind, slipped and she took a peek and she wasn't supposed to. What we saw with that examination of the Supreme Court, that little tiny bit of investigation, you will find in Articles I, II and III. This whole shroud of secrecy in the Court began 40 to 50 years ago under the disguise of judicial independence. Funny things started happening to our Constitution, like little amendments that the people didn't see when they voted. Remember, 73-a again, and then there is Article 4, Part II that got a little parenthesis in there, the voters never saw it. Then there is the sentence to 73-a which I just mentioned. Slowly the court has become so independent that it has gotten itself in trouble. You didn't do it. I didn't do it. The Judiciary Committee didn't do it. They did it to themselves. Secrecy and confidentiality breeds malpractice and it breeds maladministration. When no one is watching, we all get careless, sloppy and sometimes we become unethical. Bookkeeping and housekeeping becomes messy when the boss isn't watching and who was the boss? I brought up bookkeeping for a reason. Our committee subpoenaed draft opinions where recused justices may have made comments. We received less than half a dozen and then last Friday, after our committee had voted, we received some more. I do not hold the clerk who presented these, who found these, responsible. I hold her boss responsible. The buck stops there. At the Supreme Court, according to this clerk's testimony, there are six feet of files in a closet and those are the draft opinions. Those are the ones we would have liked to have taken a look at but you can't see them and we can't see them because that is the court's domain. Last Friday, or I think it was July 6<sup>th</sup>, she found on a shelf, upside down, under the court's long-range planning manual, three more of these draft opinions where a recused justice had participated. She didn't know what to do with them until the court counsel returned from vacation. Soon as that became known to Eileen Fox, we received them. The two justices sitting over there at the present time absolutely insisted that our committee receive these documents and we have. I'm happy to say there is nothing on those that would change the opinion or change, I'm sure, our committee's opinion of what we have already done. But just to give you an idea of what the bookkeeping is like, here is a sworn affidavit from the Clerk. "After the booklets were removed. I decided to straighten out the closet by organizing the contents and discarding outdated materials that no longer were needed. In the process of doing so, I found an approximately three-inch stack of draft opinions that were lying face down on a shelf under copies of a court long-range planning report. I was surprised to find the draft opinions on the shelf because I believed all draft opinions had been stored in a box on the floor or on the floor." You mean to tell me that your court case, your constituents court cases, that have gone over there to the tune of costing your constituents \$20,000-\$30,000 bucks to get heard are treated in such a cavalier way? Interestingly, the same clerk: "What happens when the six-foot file gets full? Do you file the most recent ones in the front or the back?"

"Anywhere."

"But wouldn't you put the most recent ones in the back?"

"No."

"Do you put them in the front?"

"No."

"Do you put them in the middle?"

"Anywhere."

"What happens when the six-foot file is full?"

"Well, I just take a bunch, a bundle out."

"Where?"

"Anywhere and put them in the shredder box and they go to the shredder."

Don't your constituents deserve at least that every single document that would be in your appeal would be in a file? And, you ought to be able to go over there and see every single thing that is in

that file. The case is over. The case has been published. You should be able to go and see it. You can't and we can't. Enough of that. David A. Brock testified and I quote: "I accept the charge of Harry S. Truman, who while President said, 'The Buck stops here.' I agree as Chief Justice I am responsible for what occurs on my watch." You have a huge responsibility today. Don't get so wrapped up in trying to do right that you forget to do what is good and what is just, because you have a chance today to do all three. Also remember this is your constitutional responsibility to correct a wrong. If you are not part of a solution, then you may be a part of the problem. It might be more accurate to say, if you see wrong-doing and you take no action, you are also guilty of wrong-doing. I conclude by saying, the committee concludes that the culture of confidentiality which prevailed in the New Hampshire Supreme Court led to a callousness in the management of our judiciary engendering maladministration and malpractice consequently culminating in these historic impeachment proceedings. It is our goal as it should be that it is in the best interests of all New Hampshire citizens not to tear down but to build up the confidence of our citizens in all three branches of government. As Thomas Jefferson said to George Hammond in 1792, "It is reasonable that every man who asks justice should do justice." We concur. Thank you.

Rep. Withee: Thank you, Madam Speaker. Members of the House, I rise today to ask you to reject the committee report on House Resolution 51. This may come as a surprise to a lot of people and a lot of people on the committee considering as a member of that committee, I actually voted for two elements of two of the articles and I was wrong. As you can imagine, I've had a hard week this week because when we cast our votes last week I thought that I would be able to bring some closure and I thought that I would be able to feel good about what I had done. But the longer that this went on and the week went on, I felt worse and worse and worse. I found myself still examining depositions and transcripts and trying to read through this and I came to the conclusion that I was wrong. I am here before you today to tell you that and to tell you why. Madam Speaker, this is not a debate on whether or not something bad happened. I think all of us in the room, anybody that has paid attention to the newspapers or to the proceedings on TV, the majority, the minority and even the justices themselves agree that there were bad policies in place and policies that would have had the potential to hurt people. On that part, the majority and the minority agree. Likewise, Madam Speaker, the majority and the minority agree on what the ultimate goal of this process should be and that is namely to restore public confidence in the three branches of government. Where we disagree, Madam Speaker, is how we go about accomplishing that goal. What is going to be the proper remedy? All throughout the proceedings, if you watched it on TV, you saw that there was a lot of talk about the court's moral authority. What that means is the court's ability to command respect for its actions. The court isn't unique in this. All three branches have the same type of authority and I'd just like to add, Madam Speaker, right here, that in my opinion none of the three branches of government in the state have escaped this unscathed. We've all lost a little bit of our moral authority. The legislature has lost a little bit. I've had more people talk to me about what were those two legislators thinking when they were making phone calls to the Chief Justice to influence a court case that they had an interest in? That is exactly the sort of thing that people distrust politicians about. And sadly, in my opinion, I think that the executive branch has lost a little bit of its moral authority. I'm not going to rail against the Attorney General's office. I have the utmost respect for Attorney General McLaughlin. I even worked there last summer in that office and there are good people in that office, but I do think that there are circumstances surrounding the report and the issuance of it and how the investigation was conducted that leave questions to people and erodes a little bit of that confidence. Also, in the executive branch I don't think that the Governor has escaped unscathed. When she has her emissary calling the Chief Justice two days after the Attorney General's report is issued, basically with an offer to resign and get out now before the facts have been heard, before it comes to the legislature, to me, that is jumping the gun. That being said, the question still remains: how do we remedy the problem? Madam Speaker, it is the minority's belief that no single act of the legislature will do anything to restore public confidence in the judiciary. Public confidence in the judiciary will only be restored by the members of the judiciary and the members of each branch acting in their own area and acting well. Madam Speaker, in this case, if the House were to vote for impeachment and if the Senate followed through with the next logical step to convict and remove from office that will not remedy the problem. It may make some people feel better. It will feel like we've punished one of the judges. It will feel like we've gotten back somehow at David Brock. But, Madam Speaker, impeachment, and I think that the Chairman



agrees with me, impeachment is not a punishment. Impeachment is a remedy for the state to take back an office. It is not designed to be a punishment. I want to give you just the non-lawyers thumb-nail sketch on how to evaluate this and maybe it will help you not to make some of the mistakes I made in the past week. When we are looking at the articles of impeachment and we are listening to the elements, and you will have people talking about it all day, there is a two-step process that you have to measure the evidence against. The first one is, is it an impeachable offense, maladministration? That is the one ... (tape change) ... Maladministration does not mean bad administration. What is means is something higher. It means, according to the only impeachment proceeding that we have had in New Hampshire, maladministration means willful and corrupt conduct. Willful and corrupt. What that means is intentional. You have to sit there and you have to decide if this conduct was intentional. The second one is whether or not this is clear and convincing evidence. Clear and convincing isn't 100 percent. It is about 75 to 85 percent. So, when you go through the process today, ask yourself how bad: Very bad or not very bad? And how certain, very certain or pretty certain? It doesn't have to be beyond a reasonable doubt. The minority believes, Madam Speaker, that the far better result or remedy is for the three branches to come together, to work in cooperation to help solve some of these institutional problems. That, in my opinion, will engender more public confidence and a deeper appreciation from the public at large for their government and that is really what we are after here today. In closing, Madam Speaker, it was very hard for me to come up and admit that I was wrong today and to do so in such a public forum. But I remember how I felt the first time I stepped into this chamber and I actually remember how I felt the very first time I saw this chamber as a school child and the enormous sense of pride I have and I felt for being a member and it has been the biggest single honor of my life to date to serve in this body. But I also felt that it would have been for nothing and for naught if I saw something that I knew was wrong and I didn't stand up here and point it out. For that reason, Madam Speaker, I will be voting against these articles of impeachment and even if I am the only one, I will do it because it is the right thing to do. Thank you.

Rep. Benjamin Moore: Thank you, Madam Speaker. I have a few comments to make. My wife and I spent probably 80 percent of the 650-plus hours that Channel 11 was on and here are some thoughts about those hearings and one of them that came to me all of a sudden in the middle of one of the days. It says, "Oh what a tangled web we weave when we practice to deceive." And then, following it, was an old dictionary definition of the word *trust*, as in, we cannot trust those who have deceived us and comment on that was the feeling of being deceived was prevalent throughout most of the issues cited in the three articles of impeachment and also the recusal issue. There were other matters discussed that generated feelings of confusion and deceit. Whether any of the feelings of being deceived was an intentional effort on the part of all the justices or not cannot be proved, but the feeling was there and consider this, when the first justice testified all the subsequent justices knew the pattern of questioning to be expected as each of the justices testified, those following had a knowledge of all that had been said, and most had ample time to prepare for their turn to be questioned. How easy it would have been to give answers that would confuse, deceive and confound those who were listening. Comments about the Attorney General's investigation: He conducted the investigation in a way that was to reveal Justice Thayer's culpability, not to uncover the Supreme Court's misdeed. Of course, the result is evident by our presence here today. I don't intend to discuss the merits of the charges that have been made. You'll hear plenty of that. However, we cannot trust those who have deceived us. I certainly feel that we have been more than deceived and more than sufficiently deceived by those who are before us today and I think that you cannot place them back in a position where they can continue those practices. Therefore, I shall support impeachment because they shouldn't be allowed to give this type of performance in the future. Thank you very much and God bless you.

Rep. Melcher: Thank you, Madam Speaker. I feel somewhat like Eliphaz in the Book of Job of whom it was said, "Who is this that darkeneth council?" I have nothing but praise for the Judiciary Committee. All of them. They have done a wonderful job. However, we are and have been and will be treated to the doubtfulness of the factuality of facts and the vagueness of definitions by which we can interpret those facts. I would like to introduce to you another idea and that is the complication that the role of our own emotional attitude toward justice makes. Justice, justice. Justice can achieve three good things. It can achieve the deterrence of the offense in the subsequent time. It can achieve the correction of the offender and the restitution to the victims. It can also serve one



ignoble purpose: revenge. In this case, deterrence as already been made as likely as is ever possible. Correction of the offender, offenders, has already occurred in spades. There are no victims; restitution is moot. All that is left is revenge. The good we can do has been done. There remains only the sadistic pleasure of making an already chastened man suffer unnecessarily on account of our righteous rationalizations. Today, we have the legal and moral opportunity to say, "Enough, already." Let's do it. That would be justice. Vote against impeachment. Thank you.

Rep. Hamel: Thank you, Madam Speaker. Ladies and gentlemen of the House, this is the first time I come here. It might be the last. Who knows? I did not intend to speak. I am here today because one of the members of the Judiciary Committee asked me to in the sense that yesterday I did express my opinion at the public hearing on the bill that is being proposed. My point yesterday and I will repeat it today is that all of us have to adjust, judge, evaluate or whatever what is going on in the light of our lifestyle, of our life experience. My life experience has been military. If I had done something in my 18<sup>th</sup> year of service and I was court-martialed, I would be out. I would have no retirement nor would my wife or children. If I were in my 22<sup>nd</sup> year of military service and I goofed and I was up for court-martial charges, I could probably opt for retirement. I have passed that threshold of 20 years service. This is not the case with Mr. Brock. Very briefly, I am disappointed at the facts that have come out of the wrong-doings of commission and omission. I am disappointed at what might be called cover-up, or in other terms, lack of courage. I am disappointed at the recusal policy, to say that they did it before me is specious. If this had happened two weeks, two months, six months after taking command of a unit and the Inspector General came by and found my unit deficient, I could say maybe I inherited that. But, 14 years? That is a long pregnancy. That was his policy. The above three points are very serious. What bothers me even much more is the harm to the institution of the court. How can we mend, restore the moral authority of the court? If these justices remain in position, how would you feel if you were a litigant, an attorney, a judge being brought up on the carpet? Are they going to give you a fair shake? Tough question. I am also disturbed by the way they felt they had to bash the Attorney General's investigation. They were doing a job. Do you mean to say that they didn't understand what was going on? We are not that stupid or naïve; neither are they. There is one hero in this whole situation and that is Mr. Howard Zibel. He had the guts, the intestinal fortitude, the courage to report what he thought had to be reported. I hope we have equal fortitude, guts, courage to do what we have to do in this situation. Thank you, Madam Speaker. Thank you, members of the House.

Rep. Mirski: Thank you, Madam Speaker. Members of the House, I hope you take to heart the presentation by the Chair of the House Judiciary Committee. I don't think anyone in this room could do a better job in presenting the case against the court. The matter of recusals will be taken up in separate amendments later on so what I would just like to do, briefly, is speak to the issue of separation of powers because the question of the independence of the judiciary being harmed by this process has been raised. That is the theme that runs through the minority report in your calendar and I think we need to dispel a couple of myths. First of all, it is important to understand what the intent of the framers was at the time the document we are going to use today in these impeachment proceedings, when that document was drafted. It is important to remember that 225 years ago this summer, patriots in Portsmouth rolled a cannon up to Governor Wentworth's front door and suggested he take the next boat out of town, which he did. He went to Nova Scotia. Just six months earlier a collection of those same individuals showed up at the fort in New Castle and stole a bunch of gun powder which was later used, 225 years ago last month, at the Battle of Bunker Hill. There was a patriotic fervor here in this colony that was probably unexceeded in any other place in the nation, although most of what you will read was concerned with Virginia and Massachusetts. What people were doing here in the interest of self-governance and liberty was probably more dramatic than anywhere else. And just as an aside, at Bunker Hill more men from New Hampshire showed up than any other colony. It was really a fight which this state precipitated, not only the height of battle but also the orderly retreat and the salvation of the combatants on the colonial side. One of the reasons that the fervor was so heightened against the crown, of course we have all read about the stamp act, but the judiciary at the time was integrally related to the political system of the day and if you don't believe that it's worth remembering that John Hutchinson in Massachusetts was Lieutenant Governor at the same time he was chief justice of the Massachusetts Supreme Court. The integration between the merchant class, the judiciary and the power elite all served the royal crown's interest. The principal effect on the average individual who lived in New Hampshire and

farmed the soil was that the merchant class controlled the economy, the access to gold and silver, hard currency. And so farmers were essentially impoverished and forced to barter and so they hated the judiciary as it was constructed at that time. They hated the idea of an institutional judiciary. So when they got around to writing our constitution, they did two things which are really remarkable. One, they created independent judges and they left the judiciary and all its aspects up to this House and the Senate behind us. There is no such thing as an institutional separate co-equal branch of government called the judiciary in New Hampshire. The language in Article 37 that says that the separation of powers ought to be kept apart as a free society will admit is an invitation to legislative oversight. It is not language that separates the judiciary from that oversight. In the appointment of judges, the Constitution says judges shall be appointed subject for good behavior. The Constitution does not say judges are appointed for life, it says they are appointed to good behavior, which further infers the legislative oversight of the judiciary. So, what we are doing today does not tread on separation of powers. It is an appropriate oversight function of this institution and today rather than rolling perhaps a cannon up to the front door of the court, perhaps we just need to send a bus over there and to remove a few people. Thank you, Madam Speaker.

Rep. Kennedy: Thank you, Madam Speaker. Madam Speaker, I rise in opposition to this. I am opposed to it for a couple of very good reasons. There are three major charges that are made. Let's look at the first one, lying under deposition. Dave Brock is an attorney, well educated, has been a judge for a number of years. Do you really honestly think the man is stupid? You have to have the incredulity to understand the man being stupid to knowing, willfully lie? His memory may not be too good. Sometimes mine isn't. But I'm incredulous that the man would lie. The reputation that he has in his home town is 180 degrees opposite of that. He is considered one of the finest residents of the town; a nice little man, he stays out of all controversy but he is helpful to those who need help. He is involved quietly, very much behind the scenes, but he doesn't make a note of that. They bring up the gas thing, 13 years and he is supposed to remember what went on: how, what, when and where. It seems to me that I believe Souter was the man that pulled that stunt, put it on fast track. So be it. I don't know what in God's name I did last week. How many of you can remember exactly what you did last week and are willing to swear to it and come out line-by-line, item-by-item? You do the best you can. Last but not least is the Thayer episode. Let us take a man who is earning almost a quarter of a million dollars a year as a judge and as a teacher in local and in other schools and what happens? His world collapses. He has lost his family. He's lost his house. He's lost his son. He's lost his job. He's lost his teaching job. He's out as a judge. There is a man at the pit of despair. Now, let's look at despair. My stepfather used to tell a story about a young Mexican boy many, many years ago in Texas, a young Mexican boy who was like most of them, worried more about being macho, got in a fight over his girlfriend and killed a boy. He was sentenced to hang, justified, and the boy lived up to it, up to the top of the stairs, up until he saw the rope. At that time, he came apart at the seams and the grandfatherly old sheriff took him by the shoulders and said, "Miguel, we aren't going to hurt you or anything, aren't going to hurt you a bit, young fellow. Just straighten up; it'll be all over in a minute. Don't worry at all." The young fellow was able to straighten up and went the way he wanted to. Now, was the grandfatherly old sheriff guilty of lying, or was it an act of compassion? A number of months ago I came to you people for a little boy for the Make a Wish Foundation. You opened your hearts and your wallets. You were compassionate. That's all that judge Brock did. When he saw this man at the pit of depression said, "Oh God, no." He tried to avoid the issue by walking away. What more? Are we going to hang a man for compassion? If that is the high crime that we are going to hang people for in this place, God help us all. Now, you say about maladministration. I agree. I was the enfant terrible of the Fairbanks investigation. I filed the minority report that blew it sky high. When they wouldn't accept it, I published 50 copies of it and spread them around. There is much wrong with the courts. They have overstepped their bounds. But who is responsible? We are. We and we alone have the control. We are the authority and we have dodged it. Reminds me of a little poem. "I am not as brave as the lion, but I am braver than a hen and he who fights and runs away lives to fight again." That seems to be the motto we've had but it's pretty chicken, so the courts have consistently got a little worse. They've written laws. They re-wrote the constitution as the game warden over here has told you, all of this is there. But, to blame it on one man, to hold him out as a patsy, I think not. If you want to nail all of them for maladministration, that you may have the right to do, but not the rest of them. But while you are thinking of maladministration remember, the executive committee,

the executive board of this wonderful state of ours did absolutely nothing. We haven't done much better. Yes, we sent one bill over to the Senate and they chickened out. So nothing has been done to control the judiciary. One man and one man alone has done anything and that man surprisingly enough was Dave Brock. He opened up a little bit, moving slowly, timidly. Anywhere near where he should have? Nope, absolutely not. But he and he alone made the motion, made the move and yet now we are to take him out and hang him as the patsy. Take away his good name, destroy him for life, throw his family into the ash heap, a man whom I have a tremendous amount of respect for. Although I thoroughly disagree with his behavior as a judge, as an administrator, as a court system down through the ages, but I cannot in good conscience chop off his head and that is what an impeachment is. Censure him if you wish, but remember he is the only one who has even tried to clean up this mess. So, I hope you can see in your heart that small measure of compassion. Thank you.

Speaker: The question is on the adoption of the Resolution. Rep. Bickford notified the Clerk yesterday that he would request to have the question divided. So, we will take up Article I at this time. We are on Article I. It is on page I612.

### DEBATE ON ARTICLE I

Rep. John Pratt: Thank you, Madam Speaker. It is with a very heavy heart that I appear here this morning to ask for your support for the articles of impeachment that the Judiciary Committee has brought out. I admit to you, openly, that I admire Chief Justice Brock. I may be in the minority in this House, but I think that the courage that he showed in the Claremont case was exemplary. I think that case, in my judgment, will go down in New Hampshire history as the equivalent of Brown v. Board at the national level. I think he made that decision knowing that he would make enemies and he certainly did make enemies. But since a number of people have raised that issue with me I want to say to the whole House at this point, it is my impression that that case did not influence the members of the Judiciary Committee, pro or con. That the committee took the mandate you gave us, looked at the facts that were collected, wrestled with our consciences individually and did the best we could and you saw in my colleague, Mr. Withee, a few moments ago, how wrenching this internal struggle has been. I simply say to him and to you this is an extraordinarily difficult matter for each of us. It is a matter for your conscience and for mine. I appear here today to support the articles because I believe first that the facts that the committee gathered were sufficient to bring them before you and to send them on to the Senate for trial. I believe secondly that the bar which the committee has set is high enough that the facts require this chamber to send these articles forward. I do remind you, as our Chairman said earlier, the Constitution does not give this House the right remove the Chief Justice or anyone. It does not give this House the right to try anyone. Those two rights are reserved under Article 38 to the Senate. We are not here to try Chief Justice Brock or to convict him or to remove him. We are here only to determine whether the facts and the level are sufficiently high that we should send this on to the Senate where, if proved, they will take the action that the Constitution requires. I have been asked to speak on the first article which is the article dealing with something called the Home Gas case. It was, and you should know this, the most closely voted article by the Committee when we came to discussing articles. It was a 14 to 8 vote. Part of the reason for that is that as the Representative from Hopkinton said earlier, this is a 13-year-old matter. We were conscious that this was something that happened long ago and I would be the first to say to all my colleagues, if this were the only issue facing the House today or facing the Committee, I would not have supported it, in and of itself. But, it is not and others will speak on Articles II and III, but it is as part of an over all pattern and package, in my judgment, an impeachable offense. The Article has two parts to it. It says first that in 1987 the Chief Justice called Judge Douglas Gray at the Rockingham Court and talked about a case which Judge Gray had under advisement at that time. A case in his courtroom. We had probably, in the total of all the justices that came before us, 100 years of experience on the bench, maybe more, much of it at the trial level, by Justice Gray, by Justice McHugh, all of Justice Batchelder's years as a trial judge, Justice Johnson's years. We asked them all and everyone without exception made the same statement: They had never heard of this being done before. They had never been the recipient of a call from a Supreme Court Justice. They had never, when they became a Justice, made such a call. They all said it was unusual and it certainly was unusual. My colleagues, what the Chief Justice is charged with doing is calling a Superior Court Judge and interjecting his presence, if you will, into that case. Judge Gray said, and you should know this, that the call did not influence him in the decision



he made. But it is my judgment, and I think that of the majority of the committee, that the question wasn't whether it influenced Judge Gray. The question was whether such a call, made by the Chief Justice of New Hampshire to a trial judge was in and of itself an improper, unethical action. Was the possibility of changing the course of justice so great that it never, ever should have been made? Was it, in other words, more than a mere mistake? Was it more than an error of judgment? Was it an improper and an unethical action for the Chief Justice to take? Did it potentially compromise the independence of the Superior Court? Those who voted for this article say, yes it did and that that conduct is so great that if the Senate finds it happened, it is impeachable. The second half of Article I says that the time came when Judge Gray's decision came before the Supreme Court for review. The Chief Justice did not inform his four colleagues at the time this case came before them that he had personally intervened in the Home Gas case. The integrity of the appellate process requires, in the judgment of the majority of this committee, requires that all five justices are operating off the same page and that all five are operating with total impartiality. And for one justice to have intervened personally, and not told the other four, destroys the integrity of the appellate process. In the opinion of a majority of the committee, that, too, is an impeachable offense. Now, there are those that say that this case is too stale. There are those like the gentleman from Hopkinton who says that it is 13 years old and memories fade. But I want you to know that this decision was not made by us solely on the basis of present testimony, although we had lots of it. We have and we have produced, and if this goes to the Senate, we will produce to the Senate, documents that go back to 1987 and to 1989, the very letters that the Chief Justice wrote to the two Senators that Representative Withee spoke about earlier. Letters from each of the attorneys written in 1989 to Judge DiClerico of the Superior Court which then went on to become part of the record of the Supreme Court. Justice Gray's own recollections of what happened. Justice McHugh's own recollections of what happened, written in 1989. The Chief Justice's own memorandum of what happened, written in 1989. There is more than adequate first-hand evidence for the trier of fact to examine. Someone else has said: "Well, what new can be learned? Don't we know everything we need to know?" I want to say two things to that. First, we are not the trier of fact, please remember that. Secondly, one of our colleagues on the Judiciary Committee stated very clearly there is no way, in her opinion, Judge Douglas Gray could not have known who Senator Edward Dupont was in 1987, and yet that is a key element in this whole matter. Judge Gray says he didn't learn who Dupont was until the Chief Justice called him and told him. The Chief Justice says, "I didn't make the call." If, indeed, the Senate can prove or it is proven in the Senate that Judge Gray knew who Edward Dupont was, it casts doubt on his testimony and casts support in the testimony of the Chief Justice. That's an element that is going to trial if it gets that far, but that is not our decision. The committee thought the evidence was there and the bar was high enough that you should have the right to vote an article on this matter, and I ask you to do so.

Speaker Sytek: Would the member yield to a question? Rep. Solow, you may inquire.

Rep. Solow: Thank you, Madam Speaker. Thank you, Representative Pratt. I think, if I heard you correctly, you said if this were the only issue, this would not lead you to vote for impeachment. That is my first question, to be sure I understood you correctly.

Rep. John Pratt: That is correct.

Rep. Solow: Can you definitively say that the facts are, as alleged in this article that the Chief placed the telephone call when in fact, in testimony, time and time again, nothing he said was more certain than that he did not make that call. That he called the Clerk of the Court, but he never, his word, never, called the Justice of the Court, the Judge of the Court, Judge Gray? I guess I'll leave my question there.

Rep. John Pratt: Thank you, Representative Solow. Obviously, I cannot say with 100 percent certainty that the Chief made that phone call. The Chief denies it, the Chief denies it. We need to be understanding about that. Judge Gray said he made the phone call. Judge McHugh says that contemporaneously to the time the phone call was made, Judge Gray came in and said, "Guess who just called me? The Chief Justice." Four judges of the New Hampshire Supreme Court said they believed Judge Gray and Judge McHugh. This is exactly the kind of triable issue that a court deals with and this is why it needs to go to the Senate for exactly that trial. The American Judicial system which we got from the English and which goes back to 10 something or other, is the way in which you test the facts in a case is by putting it to examination and cross-examination. That's the judicial form that we have adopted. That's the form that we're asking the House to send on to the Senate.



Rep. Solow: Thank you again, Representative Pratt. Is it not the case that we, as the Grand Inquest, are not the Grand Jury but in fact we are doing an investigation, not an inquest into a likely prosecution, that, in fact, that if we vote to impeach our very vote, if it passes by a majority, will in itself have determined that the actions that are believed to have been taken are so criminal, are so heinous, are so in league with treachery and bribery and corruption, that they rise to the level of an impeachable offense and, thereby won't we in voting to impeach already be passing a judgment and not simply throwing uncertainty to a trial in the Senate?

Rep. John Pratt: The answer to that question, Representative Solow, is a resounding no.

Speaker Sytek: Would the member yield to another question? Rep. Sapareto you may inquire.

Rep. Sapareto: Thank you, Madam Speaker. Representative, if I take my duty of finding clear and convincing evidence in this case, as is my duty, I have to look for something in the level of corruption or bribery or some malintent here. So, what I need to know in helping myself to make this decision is what is the clear and convincing evidence that Justice Brock intended to influence Justice Gray's decision?

Rep. John Pratt: I'll take a slight quarrel with the word evil, but leaving that aside, I think you put it in there, but leaving that aside, I think the evidence is that Justice Gray testified that he received a phone call from the Chief Justice. That in the course of that phone call the Chief Justice informed him that one of the defendants in the case before him was a State Senator and I think the further evidence is that he informed him that the State Senate had before it the question of judicial pay raises.

Rep. Sapareto: Thank you. But my question, representative, is where is the clear and convincing evidence of the intent to influence?

Rep. John Pratt: In the phone call itself. I mean the question is – here let me go back. You have a phone call that no other justice has said, no other justice has ever made. No one can recall when a justice of the Supreme Court has called a Superior Court judge while a case ... (tape change) ... this took place. It was extraordinary. And, in the course of that conversation two key pieces of information were revealed to the trial judge. Your defendant is the number two man in the Senate and the Senate has your pay raise before it. I leave that to the House and to the Senate to decide what the intention of the Chief Justice was, but I think a logical inference can be made.

Speaker Sytek: Would the member yield to another question? Rep. Lozeau, you may inquire.

Rep. Lozeau: Thank you, Madam Speaker. Representative Pratt, based on the question by the member from Derry, I want to make sure that something is clarified. My understanding is, under the constitution, there is no requirement for us to find anything by clear and convincing evidence; that that requirement is the standard that was adopted by the committee for the process of this. Is that correct?

Rep. John Pratt: That is correct.

Speaker Sytek: Would the member yield to another question? Rep. Rosenfield, you may inquire.

Rep. Rosenfield: Part of my question revolves around the definition of Grand Jury versus Grand Inquest. As I understand it, in reading the constitution, it is the requirement of the House to prosecute in the Senate and the House is going to bring – and to impeach means that we have a crime which reaches a level that requires the Senate to remove from office on the basis of this impeachment. How can we in the House, if, as you answered a previous question, you wanted to have the opportunity to have the Senate make the decision as to what is going on, how can we go and be the prosecuting attorney when we really don't know what our position is?

Rep. John Pratt: Government is messy. If someone were to rewrite the Constitution, you may try to separate out the Grand Inquest from the prosecutorial and the trial. For whatever reason, our forefathers thought that the House could do two things: it could serve as the Grand Inquest and if it found an impeachable offense, it could then turn around and prosecute that case before the Senate. That is the way in which it has written itself. So we do have a double function, or the House has. The first function which is that before us today is, is there an impeachable offense? If you vote yes to that then I believe it will be up to the Speaker to appoint managers and it will be up to the managers to do the very best job they can to present this case fairly, forthrightly to the Senate for trial.

Rep. Rosenfield: As I see it and as I read the constitution, in order for a case to reach the Senate, we have to be convinced that there was an offense which reaches a level of removal from office. I don't understand how members of the Judiciary Committee can say. Well, we couldn't quite make up our minds. Let's throw it in the lap of the Senate.

Rep. John Pratt: The first half I think is absolutely correct. The task is ours. The second half, all I can tell you is the committee, on three different articles, made up their mind, voted this was an impeachable offense and should be tried by the Senate. We did do that, we didn't do it lightly. We didn't do it without an awful lot of soul searching. We didn't do it without digging into our own conscience and now the task is yours as well as ours.

Speaker Sytek: Will the member yield to another question? Rep. Carol Moore, you may inquire.

Rep. Carol Moore: Thank you, Madam Speaker. Representative Pratt, I just wanted to be sure I understood what you said when you first began the part of your talk that had to do with this article. I thought I heard you say that, had this article stood alone, you might not have voted for impeachment based on this article, but because it was paired with two or three other articles, that influenced your decision. Did I hear correctly?

Rep. John Pratt: Yes, you did.

Rep. Carol Moore: I'm wondering since your committee decided to take up each article independently, why you would vote for Article I, knowing that you would have the chance to vote for other articles, when you have just told us that if it stood alone you wouldn't have supported it?

Rep. John Pratt: That is a very good question. The interesting part is that it was not the first article we voted on. The first article we voted on was perjury and the perjury article was the article which is now not called perjury, which is now, I think, Article III, and we debated that and that has both aspects of the Thayer v. Thayer divorce panel and the Home Gas case built into it. That Article was passed and then we went to the Home Gas case and then we went to the Thayer v. Thayer case.

Rep. Carol Moore: Well, I erred in insinuating that it was the first article you voted on. But I would still ask you since each article was voted on by your committee to stand alone, why you would tell us that if it were the only article you would not have supported impeachment for Article I? I don't care what order you voted in and I may have misspoken, but I am still interested in knowing as an article unto itself, why when you are telling us you don't think it rises to the level of impeachment, are you now standing here supporting that?

Rep. John Pratt: Well, that's not the first time I got myself into trouble. It won't be the last. I do think Article I rises to the level impeachment. I do think it is part of a pattern and practice taken in conjunction with the other two articles which makes it valid. I did say, and I stand by that, and I am sure that many members of my committee would disagree with me, if this was the only thing that we had before us, a 13-year-old matter, I would be most reluctant, even though I thought it was impeachable, to vote for an article of impeachment. That's what I was trying to say. If that is contradictory, that's me. I apologize.

Speaker Sytek: Will the member yield to another question? Rep. Picconi, you may inquire.

Rep. Picconi: Thank you, Madam Speaker. This is the first time I've been here, so if I sound nervous, I am. Representative Pratt, my question is: Did we take from 1999 and go back to 1987 to find the *Home Gas* question, or did that occur in our investigation and we didn't have the information from 1987 to 1999?

Rep. John Pratt: Thank you for the question, Representative Picconi, and I apologize to the House for not making that clear and I should have. We did not seek this case out. Mr. Justice Johnson brought a sealed envelope and gave it to Mr. Steinfield during his testimony. Mr. Justice Horton made references to this matter during his testimony. I can tell you that it was only with the greatest reluctance that Mr. Steinfield opened the issue and, indeed, when Mr. Justice Thayer was before us, I may get in trouble again, I do not believe the committee questioned him on *Home Gas*. I'm looking for Mr. Steinfield to disabuse me of that, but I believe that's the case. I think *Home Gas* did not come up in our depositions until the Chief Justice was there and it became obvious that it was a matter that we had to go into. He is not throwing things at me so I'll let that stand until somebody corrects me.

Rep. Picconi: One last question. Did we have the authority, as a committee, to investigate any transactions that occurred between 1987 and 1999 and is it plausible that there could have been transactions in that 12-year period that could have also been included in this?

Rep. John Pratt: The mandate which the house gave the committee under HR 50 required us to investigate matters from the Attorney General's report or other matters that come from that investigation. The Home Gas case came from that investigation. We did not, as a committee, go over and search the files. First of all, we had no entree into the JCC so we can not tell you what is in their files. Secondly, the only files which we did search, and I think I'm correct on this, were files

that related to matters that were before us, such as other instances where judges spoke after they had been recused or other instances where there were writings by judges on draft opinions, etc. But we did not make a general hunt of the 12 or 14 years, or even the 25 years of the Chief Justice's tenure on the Court.

Speaker Sytek: Will the member yield to another question? Rep. Pitts, you may inquire.

Rep. Pitts: Thank you, I'll make it quick. I'm trying to understand the testimony. In the testimony, I thought I heard you say that a call was probably made and that Justice Gray testified to that but that when he came out into open chamber he said, "Guess who I just had a call from?" Would that have been his public disclosure of that call and if there were other justices aware that the call had been made since it had been announced, would it have been incumbent upon them if they thought it was a serious offense to do something at that time and not come forward 13 years later?

Rep. John Pratt: That is a very good question. Let me take it in two parts. The testimony was that Judge Gray received the call and went across to Judge McHugh's chambers where he was giving dictation to his reporter and said, "Guess who just called me?" or "Guess who I just had a call from?" So, it wasn't in open court room that he made the statement. It was to another judge in his own chambers. I think it probably could have been a closed question if Judge Gray had felt that it was an improper influence at that time that he could have reported it to the JCC. He did not do so.

Speaker Sytek: Will the member yield to another question? Rep. Sabella, you may inquire.

Rep. Sabella: Thank you, Madam Speaker. Thank you, Representative Pratt. Two questions: Who was deposed first, Justice Gray or Justice Brock? And if one of them said the phone call was made and one said it wasn't, why did you go with one and not the other?

Rep. John Pratt: Thank you, Representative Sabella. First of all, you need to know that both, that in 1989 Justice Gray wrote a letter to Justice DiClerico, the acting Chief Justice of the Superior Court, and stated that the phone call had been made. That was in 1989. In 1989, the Chief Justice stated, first in a conference room or in his chambers when the judges had all gathered there with Justice Gray, "No, I did not make that phone call." Secondly, he stated it in a memorandum which he wrote in May of 1989, so there is ample evidence that there was a conflict between these two back in 1989. The Supreme Court, the four additional justices, the four other justices, then went back to Justice DiClerico and said, "We want to know more about this," and asked him to conduct a second inquiry and it was at that inquiry that he asked Justice McHugh for his recollections and received the letter from Justice McHugh which went back to the court. All of this became part of the record that the Supreme Court has, it's this big, of the letter that was sent, written, we believe, by Justice Souter to the Judicial Conduct Committee in 1989. In terms of the last part of your question, who was deposed first, Justice Gray was deposed before Justice Brock.

Rep. Dokmo: (blank segment on tape) Our constitution has given four reasons to impeach a justice, corruption, bribery, maladministration and malpractice. Chief Justice Brock is being accused of committing maladministration and malpractice. Well, what is maladministration? It sounds like maladministration to me. No, that is not what it is. If you read the interim report of our special counsel, it is very clear what maladministration is not. It is not poor judgement. It is not sloppy administration. It is not human error. It is intentional misconduct that may rise to a criminal offense. It is close to criminal offense. It is an individual doing something intentionally and trying to harm as a result of that action. It is certainly not an inadvertent, ill-advised or even stupid action on the part of an individual. Alright, that gets us part way to what maladministration or malpractice might be. We need to look at the constitution and we need to see the words that are listed along with maladministration, that is bribery and corruption, because statutory construction tells us if a word is vague what we must do is interpret it in harmony with its fellow members, its sisters or brothers. Its sisters and brothers are bribery and corruption. Those are not mere errors Those are intentional and criminal wrongdoings. So, maladministration must rise to that type of level. It is a serious act or acts. Again, it is not unintentional mistakes and human error and that is extremely important. The third place we need to look, to determine what maladministration is, is the reasons why other justices and other public officials have been impeached. And if you read the interim report carefully, you will see a list of dozens of individuals who have been impeached or who have attempted to be impeached. And when you look at what they did, you will see that what Chief Justice Brock did, if he did it, doesn't come close to those things. We are talking extortion. We're talking drug use. We're talking about constant drunkenness on the bench. We're talking about doing things that are intentionally done to enrich the person, doing something that, if not criminal, is almost



criminal; doing something that tells everybody, in clear and convincing language, that this person is not fit to sit on the bench. And I suggest to you that when you look over the facts of Article I and hopefully Articles II and III, but I'm concentrating on I because that's what we're voting on, I suggest to you that you will not see maladministration. You will see facts that might indicate that Chief Justice Brock 13 years ago picked up the phone and called a Superior Court Judge. If you read the facts, it is uncontroverted that nobody thought that Chief Justice Brock was trying to interfere in the outcome of that case, that he made it perfectly clear to Judge Gray that all he wanted to know was the status of the case. He didn't want to know how the judge was going to find. He didn't want to interfere with that. That was also found by our Supreme Court when they investigated the incident two years later. They concluded that he made the call but that there was no intent and no ethical violation because he did not, in fact, interfere with that case. So, where is the intent? Where is the maladministration? Perhaps he made a poor judgment in making that call, but he didn't do it for a reason to harm. He didn't do it for a reason to cause criminal activity. He certainly didn't do it for a reason to enrich himself. Now, my good friend from Walpole has indicated the second part of the charge is that the judge failed to tell his fellow justices on the Supreme Court that he had made the call. Well, first of all, Judge Brock, two years after the incident and today, 13 years later, has adamantly denied he made the call. He has insisted that he called Ralph Taylor who was a Clerk of the Court and Ralph Taylor has confirmed that Justice Brock did, indeed, call him and that Justice Brock did, indeed, make it very clear that he was only interested in the status of the case; that he was not interested in interfering and he was not interested in affecting the outcome of that case. That is in the record. When the Supreme Court looked at this matter two years later, they did conclude that Justice Brock made the call. But when they concluded it, they only spoke to a Judge McHugh who you have heard about. They didn't bother to call Ralph Taylor and ask him whether or not a call had been made and they didn't bother to call the other witness to this supposed admission by Judge Gray that the call had been made and that was a court reporter. If the Supreme Court had been very concerned about that call, they would have continued that investigation but you need to remember the focus of that Supreme Court investigation was two entirely unethical and inappropriate comments made by Judge Gray during the course of that trial and that is what the Supreme Court was concerned about; that is what they reported on. They were not reporting on Chief Justice Brock. That was just in mitigation of their recommendation to the Judicial Council that on two occasions Judge Gray had committed ethical violations and I think that is really important for everyone to understand. Justice Gray had made some utterances during the course of this litigation which severely questioned his impartiality and that is really what the investigation was all about. If the Supreme Court had decided that Chief Justice Brock did something unethical and inappropriate, they would have reported it, too, because you have to remember they didn't need to report any of this, that the time period had passed. And if they had not reported it, it would have gone into history and no one would have known. But they felt it was their ethical obligation that they had to report it. And again, I want to stress that this was a court in which sat not only Justice Brock and Justice Thayer but Justice Johnson, Justice Batchelder and Justice David Souter and they were convinced, 11 years ago, that what Chief Justice Brock did was not intended to influence and was not an ethical violation. And the reason why this is so important, that you really take what Justice Brock supposedly did and balance it against the definition of maladministration is, it is extraordinarily and I can not stress this enough, it is extraordinarily important what your actions do today because they will have a long-term impact on our judicial system. They will have an immediate impact on David A. Brock and for that I'm sorry, but my biggest concern and has been all along is the effect that it will have on the judiciary. If we are going to impeach a justice for making a phone call 13 years ago, when he was a brand new Chief Justice, by the way, and had never gone through a budget process before, he was just kind of learning the ropes of being a Chief Justice, if we are going to impeach a justice for making an ill-advised phone call that everyone says was not intended nor did it effect anything in the court system, then who is next? Today we're going to have two other motions for impeachment for two other justices and I submit to you that if we impeach David Brock for this minor matter, I'm not saying that if he did it he shouldn't have done it, if we impeach a justice for that matter then we are opening up the flood gates for impeachment resolution after impeachment resolution and there are some people that might think that is great because they don't like the court system. But let me tell you, the court system is the only system that is not elected. You gentlemen and ladies represent the will of the majority. The



governor's office does, too, because we need to run for re-election every two years, but our system of government and the beauty of our system of government rests upon the notion that minority rights trump the majority rule. It is the Supreme Court and the courts of this land and in this state that guard your individual and minority rights. It is the Supreme Court that you will go to to declare that you have the right of free speech. It is the Supreme Court that the Manchester Union Leader will go to to preserve the right of freedom of press. It is the Supreme Court that all of you will go to to be allowed to practice your religion whether 99.9 percent of the people in this state or country think that you shouldn't be able to do it. It is the Supreme Court that you will go to to uphold your right to bear arms. You can not take an action that will automatically send a wound to that branch of government because to do so will impair your ability to defend yourself and to have your rights as individual citizens upheld. I can not stress this enough. The balance of power between the three branches of government is delicate. It can't be upended for a mere phone call 13 years ago which comes nowhere close to meeting the definition of maladministration. I ask you to put aside your dislike of the court if you have it. I ask you to put aside all your frustrations that we've all felt these last several years with some court decisions and I ask you to look at the facts and look at the law and realize the impact of this vote, not on David Brock but on this state and I beg you to vote no on Article I. Thank you.

Speaker Sytek: Would the member yield to questions? Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker. Thank you, Representative. At the June 20<sup>th</sup> meeting of the Judiciary Committee, I noted that I believe that you asked the Attorney General a question and that was, "I find it very odd that you would notify the head of the Bar Association because I, quite candidly, don't understand the purpose of that notification and I'm a member of the Bar." And his answer was, "Our Bar, as you are well aware, is a tightly controlled professional association, tightly controlled by the Supreme Court." Now, with that response and with that view, I would think you might agree with me that anyone who is a member of the Bar of New Hampshire who votes on this article favorably and the following articles is taking his career in hand; is taking his courage and is taking a risk, because even though there should be none, I think you are aware of the letter, for example, that Brock wrote to Representative Welch which could even be determined intimidating, his position in regard to the AG's report and other responses, and if furthermore would you agree with me that if you are a member of the Bar and you vote against these articles, you could be considered to pander on this issue? Thank you.

Rep. Dokmo: I would hope that any member of this body, including members of the Bar, will vote not because of economic, not because of professional and not because of political, i.e. election, consequences. I would hope each and every one of us would vote on the facts and I think that nobody would think of voting because of how it's going to affect their careers. I certainly am not.

Rep. Alger: Thank you for your thoughtful response, although I view it as somewhat naïve. I would only observe that that is the reason why I wrote a letter, would you believe, to the Ethics Committee and that letter plus the response of the Ethics Committee suggesting a conflict of interest form be signed, one way or the other, you can participate or not but at least state the basis for your participation?

Rep. Dokmo: Thank you.

Speaker Sytek: Will the member yield to another question? Rep. Wendelboe, you may inquire.

Rep. Wendelboe: Thank you, Madam Speaker. Representative Dokmo, since you brought up the *Home Gas* situation and the no-harm, no-foul sentiment, I think perhaps part of that story was left out and I'd like to fill that in and then ask you a question at the end. The issue that the Supreme Court justices looked into with *Home Gas* was not initially the phone call. It was the comments that Justice Gray made, one of which, after he had ruled against Ed Dupont, was an off-the-cuff remark about, "Gee, I guess I should have voted the other way, ruled the other way on this and we would have gotten a pay raise." And the other comment that he made was the statement to the council that he thought that the case had been handled specially for political reasons. The complaint was brought because of those two comments, not initially because of the phone calls. The phone calls came out as a result of the complaint when it finally came forward over a year later. Then, would you agree that had Justice Gray, when that investigation was held, said that he, indeed, had been influenced by Justice Brock informing him that that case involved a powerful state senator and that there was a pay raise before them, had he said, "Yes, that did impact my decision and so I ruled for Ed Dupont," then would you agree that that would have been impeachable because the end result

would have affected the decision? So, it is not necessarily, it is the phone call that would have triggered it and potentially could have changed his mind that is the important thing. The call should never have been made.

Rep. Dokmo: I think you need to look to the term maladministration and look to the fact that requires an intent to do harm, intentional misconduct, and so I don't agree with that. If Judge Brock did not intend to influence that case, if Judge Brock did not intend to cause any harm, I don't know that I could agree with you. But I also will say that it is still, there is a lot of information out there that suggests that Chief Justice Brock's original statement that he did not make the call might be accurate. I mean, I'm just, my argument really talked about if he did make the call. I mean you have to remember that Judge Gray mentioned that the call was made during a conversation with the Supreme Court and this was two years after the incident and he indicated that not only Judge McHugh was aware of this because Judge McHugh was told about it by Judge Gray, but also there was a clerk reporter there. When the Supreme Court investigated that particular charge, they only talked to Judge McHugh and, by his own testimony, two years later he didn't even know what the letter was about when he got it from Judge DiClerico asking what happened. He called Judge Gray and Judge Gray filled in his story and that supposedly jogged Judge McHugh's memory. So, everything on the one side with Judge Gray is all from Judge Gray and we talked to the gentleman who was the transcriber and he placed the information about the call being made two years after the incident. He thought Judge Gray came out all excited about Chief Justice Brock calling him during the investigation of Judge Gray's comment. So, there are a lot of facts that really don't necessarily support the idea that that call was made. But, I'm saying in the worst case, if the call was made, there was no intent to change or alter the outcome of that case.

Speaker Sytek: Would the member yield to another question? Rep. Riley, you may inquire.

Rep. Riley: Thank you, Madam Chairman and thank you, Representative Dokmo. First of all, let me say quickly, I want to congratulate every single member of the committee, the time they put in, the guts that they used in trying to get to the bottom of things. I could go on and on like that, the various virtues they have got. Two words we seem to be dealing with over and over and over again: assumption, presumption. And I would put it to you that in the case of Judge Gray that here we have the assumptions over and over again. I can make some assumptions too, that would go like, that I assume that because he made a phone call that he said that in passing that he was just simply saying, "Sure, the guy is a state senator." But, I don't know that. My question is: Do you think then that the people who have said he didn't know, that they knew?

Rep. Dokmo: Excuse me. That he didn't know whose...

Rep. Riley: Let me restate it. Would you agree with me that the people who have said that Judge Gray did know why it was that he was being called by Justice Brock, is that not a presumption?

Rep. Dokmo: He has stated that, if the call was made, that Judge Brock said to him that he was calling only to inquire about the status of the case and did not want to interfere in the case at all. That is the testimony that he gave. I can't make an assumption other than that what he said.

Rep. Riley: But, that's an assumption in itself, is it not?

Rep. Dokmo: That's his recollection and his interpretation. He is the one that supposedly received the call. I can't second guess what he thought. He told us what he thought. That's one of the problems. This happened 13 years ago. The best recollection we have is really the letter from the Supreme Court and that states that he had no intentions of interfering with that case and that Judge Gray agreed with that.

Rep. Riley: Do you wish, with me, that there were some factual things in all of this somewhere?

Rep. Dokmo: Well, I think it is a stretch to go back 13 years. Someone else said this. I mean, my memory, I don't even remember what I did this morning, let alone what I did last year or 13 years ago and I think that's the problem. I think that what was done doesn't rise to the level of impeachment so the facts are, not that they are immaterial, but I'm assuming the worst, that the call was made and it's my belief that's not impeachable conduct. Thank you.

Speaker Sytek: Would the member yield to another question? Rep. Lynde, you may inquire.

Rep. Lynde: Thank you, Madam Speaker. Thank you, Representative Dokmo. I want to go to your statement that even if the call was made, it was just to inquire. I was reading one of today's papers and they are relating a case where a judge had made a call to inquire about a case involving his brother to the police department and it came to, I guess, the Supreme Court to deal with that and they found, whether or not his intent was to influence or just to get a status, they suspended him

six months without pay. I realize we don't have that ability. We can only say impeach or not. I understand there was a question whether the call was made. How do you distinguish between those things because the court said it doesn't matter whether you intended, it is the impression of impropriety? Rep. Dokmo: Well, first of all I think that, I want to be very clear on this because I don't want the groans from the audience, I think you have to understand when the Judicial Conduct Committee looks at a case, their threshold of finding sanctions is not as high as what it would take to have an impeachable offense because they don't have the right to remove a justice. They have the right to suspend a justice. The constitution says that a justice, to be removed from the bench, must be found to have committed maladministration, which includes intentional. It includes intentional wrongdoing. So, we need to focus on: Was it intentional wrongdoing? The inquiry in the JCC matter, since it was a lower threshold, could say that it wasn't only your intent but what your actions look like. That you might not have had the intent, but it looked like that. It is really a difference between, to me, the level and the threshold that we as a House need to find. I guess that is the only way I can answer that.

Rep. Lynde: I think part of the things we all struggle with is what level do we hold people to and the impression, say, Superior Court level to a higher standard than the Supreme Court. I'm sure that is not the intent but apparently we don't have, it's like a one zero, I'm sorry I'm an engineer. You either impeach or you are not. So I guess that's a struggle we have here.

Rep. Dokmo: The only way I can put it, and again I'm no litigator, I really don't go into court so I'm not really good about these things, but the best analogy I can give you just on the spur of the moment is that it's the difference between the various degrees of homicide. To rise to one level, you have to do some things and not do others, but to get all the way up to first-degree you've got to have that intent, that present intent and I just think it's the same thing. To get up to maladministration to impeach you have to have intentional acts of wrongdoing. And it's not just my opinion. Read the special counsel's report. That's the sparse definitions we have, but that seems to be required.

Rep. Murphy: Thank you, Madam Speaker. I rise this morning in opposition to Article I. Now, I'll be frank with you. It gave me some problems to start with. It was the only one that I found that would come anywhere near reaching an impeachment status. It, as I understand it, and I think it's borne out by the majority report, is based on improper influence and that's all the argument we've received this morning. Now, improper influence, if proven, is a felony under our law which I can understand. You don't have to make any guesses as to what is the intent. It is an offense brought under 640, section 3, entitled "Improper Influence" and is a class B felony. I would propose, as far as I'm concerned, a felony crime is grounds for impeachment, if proven. Now, it has to follow a certain mechanical procedure in order to come to trial. The first one it has got to overcome is the statute of limitations. There is only one crime in New Hampshire that falls outside the statute of limitations and that is murder. All felonies fall within it, and a felony must be brought to trial within six years of its commission or it is ruled out of order by the statute of limitations. This offense, if it is brought today, is 11 years after its commission, so I would submit that under the statute of limitations, it must be tried, I would assume, under the procedures of 640 section 3 and the statute of limitations would apply and it would be subject to dismissal, in my opinion. Now, on the bare possibility that my inference can be overcome, I would point out that there was appointed at the time of this offense or shortly thereafter, a four-judge panel which investigated this procedure and came back with the declaration that Judge Brock had committed no wrong. Therefore, I would submit that this would also fall under Article 16, Part I of the New Hampshire Constitution on double jeopardy and would be subject to dismissal on those grounds. Now, in addition to those two mechanical problems that I've just outlined, there is at least one more serious problem to the prosecution of this case. The principal witness in this case is the only one in position to know exactly what was discussed in the telephone conversation between Justice Brock and Judge Gray. Madam Speaker, with your permission I would like to read one question and answer from Douglas Gray's deposition. I read from page 34 of the deposition. The question posed by Attorney Steinfield, counsel for the Judiciary, and this question was posed during his inquiry into this particular telephone conversation, and he asks this question: "Did you think at the time that Chief Justice Brock was trying to influence your decision in this case?" Justice Gray replied in return the answer to that question, "I didn't get that impression, no." Now this, I would pose, would be a terrific problem for the prosecution of this to overcome and I'm sure the defense will find it and play it up properly. It is our job to put forward to the Senate these motions for impeachment and no prosecutor, I believe, would



put forward this particular offense with the amount of problem he would have in trying to convince a trier of the fact that this should be tried. Thank you, Madam Speaker.

Rep. Phinizy: Thank you, Madam Speaker. In law there is a doctrine known as *laches*. It requires a resolution of known crime or an alleged crime to be prosecuted and dealt with in a timely manner, lest evidence or recollection go stale and be lost or become so vague with time that it would do damage to the person accused. Now, in the case of *Home Gas*, there is confusion and there is contradiction. This article, Article I, pleads invocation of this doctrine and pleads that we basically vote down this Article I and it pleads and argues in favor of laches. While the committee's counsel, and with his permission and the Speaker's permission, I'd like to quote him and his final statement. With the committee's counsel, he considers that laches did not apply and I must respectfully disagree as I feel that his parameters are very narrow and they place constraints and limitations on a doctrine that is necessary to protect every person. With his permission, I will quote him: "Here, the Committee did not wait; it only learned of *Home Gas* while pursuing its investigation, and thus there is no basis for invoking laches." Now, I state and I feel that, in fact, this statement jeopardizes possibly one of the most important principles and protections within law. I cannot believe, and I mean this sincerely, that not one member of government was unaware of the events surrounding the *Home Gas* affair prior to three or four weeks ago. My honorable colleague and friend and the man that I admire very much, Representative Pratt, states many things about an alleged phone call and there was much discussion earlier regarding a phone call. I can only submit to you all that it's very important to remember that it's very difficult to prove how one didn't make a phone call. Consistent with that, I would like to remember and I would like Attorney Steinfield to remember that the interpretation of the doctrine of laches really is fair play. And once again I will finish up the quote that Attorney Steinfield had made: "Nonetheless, whenever a dispute arises over something that may have occurred years earlier, issues of fundamental fairness inevitably arise." Now, some of you may think that I am a lily-livered Democrat and I want you to realize that last year, when evidence was clear and convincing to me, that I had voted to address Justice Brock over an issue that I thought was inappropriate. I feel that in this instance we have entirely too much confusion and we have entirely too much contradiction in order to permit me to accept this Article I as an article for impeachment. I would submit then that I cannot and will not vote in favor of a charge that would change and charge a man and treat any man in a manner less than we would expect ourselves from the courts that we are now criticizing. Thank you very much, Madam Speaker.

Speaker Sytek: Would the member yield to a question? Rep. Almy, you may inquire.

Rep. Almy: Thank you, Madam Speaker and thank you, Representative Phinizy for yielding the podium. Representative Phinizy, until Monday when I got the calendar, I was going to vote to impeach and then I read the resolutions and the amendments that are being offered. Isn't it true that even though the constitution says that, does not say that we need clear and convincing evidence to send these articles over to the Senate, that each of these, the resolution and all of the amendments to it do say that we have clear and convincing evidence which I do not believe is true?

Rep. Phinizy: In a word, yes. I would state that that was one of the reasons why I felt that this was a very deficient article for impeachment. I do not find it clear nor do I find it convincing and particularly when we are dealing with a man's life and his livelihood, regardless of the individual, I feel that it is critically important that we even go beyond that level of proof. Thank you, very much.

Rep. Stritch: Thank you, Madam Speaker. Today, July 12<sup>th</sup> in this year 2000, a day that will live in history, for this noble body has joined today to witness and to judge the unfolding of troubling errors. It is said and shown that the desire, yes even the mandate of our forebearers, requires this of us, that we examine our co-equal third branch of government for trespasses against that code so carefully crafted two centuries ago. It is our task to judge in this first phase and in our task let us bring mercy and compassion as guidelines as to our findings. There have been errors, there have been mistakes, all of the human variety. There need to be corrections, many corrections. They and we need to engage with the common goal of one: recusal corrections; two: a truly independent conduct committee, a truly independent ethics committee... (tape change) ...institutional corrections of 73-a. Centuries will read what we say here today, what we do here today. History will examine over and over our words, our conduct and our compassion. Mercy and forgiveness, you know, fall from the sky like a ray of brilliant sunshine that warms those that say, "I forgive". I forgive until the 11<sup>th</sup> hour. If there be errors, there are; if there be arrogance, there was; if there be judgment mistakes, there was; as this unfolds I shall so conduct myself that as another 100 years shall pass



they'll say that forgiveness was that ray of sunshine in this sorry affair. Thank you, Madam Speaker. Rep. Mock: Thank you, Madam Speaker. How do you like this roller coaster ride? What you have heard today is exactly what we have been through for almost three months, I believe. You don't know whether you're there or you're not there. But, there is no confusion here. There isn't any confusion. There is no reason to feel confused because the House committee, our committee, the Judiciary Committee, we chose a burden of proof greater than a preponderance of the evidence, you know, a little over half, but less than beyond a reasonable doubt. We are not asking you to find any one guilty here. You're not supposed to be finding anyone guilty. This is not a trial. What we are saying is that we raised the bar, really brought it up and if any one here is trying to tell me that this telephone call was not intentional, of course it was intentional. He dialed the telephone and made a call, we're alleging, to a Superior Court judge. Now, let's use some common sense. Exactly why do you suppose that call was made? It wasn't to discuss the Sunday golf game. It was a pay raise issue. It was a Senator. There were two Senators. Let's use our common sense. Let's give the Senate a chance to make a decision. That's their job. It's not our job to convict and I hope that you will vote with that in mind. Use your head, use your heart and reach way down inside and vote your soul. Thank you.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of Article I of House Resolution 51.

### YEAS 219 NAYS 138

#### YEAS 219

##### BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Rice, Thomas	Rosen, Ralph	Russell, David
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine

##### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

##### CHESHIRE

Avery, Stephen	Batchelder, Robert	DePecol, Benjamin	Hunt, John
Lerandeau, Alfred	Manning, Joseph	Mitchell, McKim	Pratt, John
Richardson, Barbara	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

##### COOS

Davis, Perley	Gallus, John	Mears, Edgar	Pratt, Leighton
Tholl, John Jr	Woodward, David		

##### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Harmon, Hobart
Hinman, Harry	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Phinney, William	Picconi, Al	Scanlan, David	Ward, Brien
Weber, Phil			

##### HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Drabinowicz, A Theresa
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard

Franks, Suzan  
Haley, Robert  
Jean, Claudette  
L'Heureux, Robert  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
Mendenhall, Leslie  
Mosher, William  
Pepino, Leo  
Simon, Anthony

Gagnon, Eugene  
Herman, Keith  
Jean, Loren  
LaPorte, George  
Leonard, Peter  
MacGillivray, Jeffrey  
McDonald, James Sr  
Mercer, Robert  
Nolan-Piteri, Dawn  
Peterson, Andrew  
Tate, Joan

Ginsburg, Ruth  
Holley, Sylvia  
Keye, Harvey  
LaRose, Richard  
Lessard, Rudy  
Martel, Andre  
McGough, Tim  
Milligan, Robert  
O'Hearn, Jane  
Reeves, Sandra  
Thulander, O Alan

Gorman, Mary  
Hunter, Bruce  
Kurk, Neal  
Lasky, Bette  
Lozeau, Donnalee  
Martin, Mary Ellen  
McRae, Karen  
Moriarty, Mary  
Ouellette, Dean  
Sargent, Maxwell  
Vaillancourt, Steve

### MERRIMACK

Hess, David  
Leber, William  
Whalley, Michael

Langer, Ray  
Marple, Richard

Larrabee, David Sr  
Soltani, Tony

Lavoie, Gerard  
Virtue, Carolyn

### ROCKINGHAM

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janeen  
Dunham, Vivian  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Packard, Sherman  
Rabideau, Marie  
Stickney, Nancy  
Vaughn, Charles  
Weyler, Kenneth

Beaulieu, Jon  
Christie, Andrew Jr  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Henderson, Warren  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Noyes, Richard  
Pantelakos, Laura  
Raynowska, Bernard  
Stone, Joseph  
Verani, Giovanni  
Whittier, John

Belanger, Ronald  
Clark, Vivian  
Dowling, Patricia  
Flanagan, Natalie  
Grant, Kenneth  
Hutchinson, Karen  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
O'Keefe, Patricia  
Priestley, Anne  
Reardon, Neil  
Tufts, J Arthur  
Weare, Everett

Bishop, Franklin  
Cox, Russell  
Downing, Michael  
Flanders, David  
Griffin, Mary  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
O'Neil, Michael  
Putnam, Ed II  
Ruffner, Walter  
Varrell, Thomas  
Welch, David

### STRAFFORD

Cossette, Larry  
Kaen, Naida  
Rollo, Michael  
Woods, Phyllis

DeChane, Marlene  
Lundborn, Raymond  
Smith, Marjorie

Gilmore, Gary  
McKinley, Robert  
Taylor, Kathleen

Heon, Richard  
Rogers, Rose Marie  
Wall, Janet

### SULLIVAN

Jones, Constance  
Young, David

Kibbey, David

Leone, Richard

Robb-Theroux, Amy

### NAYS 138

### BELKNAP

Holbrook, Robert

Millham, Alida

Pilliod, James

Wood, Jane

### CARROLL

None

### CHESHIRE

Blaisdell, Michael  
Lynott, Margaret  
Robertson, Timothy

Burnham, Daniel  
Meader, David

Doucette, Richard  
Pratt, Irene

Lynch, Margaret  
Riley, William

### COOS

Guay, Lawrence  
Rodrigue, Robert

Horton, Lynn

Landers, Dana

Merrill, Gerald

**GRAFTON**

Almy, Susan	Copenhaver, Marion	Eaton, Stephanie	Guest, Robert
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Solow, Martha

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Burkush, James	Carlson, Donald
Daigle, Robert	Dokmo, Cynthia	Dwyer, Paul Sr	Dyer, Merton
Flora, Kathleen	Ford, Nancy	Foster, Linda	Garrish, Linda
Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Richard	Johnson, Lionel	Leishman, Peter
McCarty, Winston	McColgan, Philip Jr	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Moran, Edward	Murphy, Robert	O'Connell, Timothy
Reidy, Frank	Rowe, Robert	Sarette, John	White, John
Withee, Dennis			

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Daneault, Gabriel	Fortnam, Janet
Fraser, Marilyn	Gile, Mary	Hager, Elizabeth	Hoadley, Elizabeth
Jacobson, Alf	Kennedy, Richard	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	DiFruscia, Anthony	Gibbons, Paul	Gleason, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Lovejoy, Marian
Norelli, Terie	Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stritch, C Donald
Weatherspoon, Jackie	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Dunlap, Patricia	Estabrook, Iris
Johnson, Nancy	Keans, Sandra	Knowles, William	Lent, Donald
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Snyder, Clair
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Phinizy, James	Tuthill, John	Wiggins, Celestine	

and Article I was adopted.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate.  
Rep. Carson did not vote and wished to be recorded against.

**RECESS****(Speaker Sytek in the Chair)****DEBATE ON ARTICLE II**

Speaker Sytek: The question before the House now is the adoption of Article II. It is on page 1612.  
Rep. Craig: Thank you, Madam Speaker. It's the story of my life. I speak and nobody shows up.  
Rep. Avery is here, he said, so I guess we can go. Like Representative Pratt this morning, I stand here today in favor of the House Judiciary's vote on impeachment on Article II. I do that very, very reluctantly and before I get into Article II, I'd just like to indicate where I stand on some of the

things that went through my thought process. I heard the speeches this morning and the concerns about the court's moral authority and I share those concerns. But, I take the view that this process was put here by our forefathers to allow for problems like this to be worked out. You know, I'm a practicing attorney and I heard Representative Withee this morning speak about changing his mind and when he was speaking I said to myself, "Boy, would I love to do that." I'm a human being and I want to belong. I want to be part. I want to be one of the guys. But maybe it's my wrestling alligators in court for 20 years and he just getting out of law school, but I can't do that. I can't take that way out. I respect him for his decision but I just can't do that. I said during one of the hearings, and this is true, that a couple of times, a few times in my legal career people have come up to me, clients of mine and said: "Well, just go in the back and fix it. That's what happens all the times anyway." Every time that's happened, I've said: "That's not what happens. That's not the way it is and I don't play like that. If you want somebody, get another lawyer, if you want somebody to do that for you." I've never had that experience and I never want to have that experience. I remembered that as I was listening to the testimony. As I heard all the testimony throughout this proceeding, I thought about those people. I thought about lawyers who have been disbarred and the standards that they were held to and I just think that out of fairness to them and out of fairness to the attorneys that I work with, I just can't take the easy way out and say that we've got to drop this. I share everyone's compassion here. I spent a miserable last couple of weekends and there is nothing wrong with that. But, I wish he had stolen some money. It would make it nice and easy for everybody, but that's not the case. Like most of life, we are dealing with gray areas. One other thing I want to mention: this is an editorial comment on my part. I've taken a lot of grief in newspapers and I've gotten writings from people that say, "Well, you're a lawyer." Somebody told me I looked like a plant for the New Hampshire Bar Association in the hearings. I just want to say here that I resent those remarks. That anyone would say to me that because you're a lawyer you can't do what you think is right, I deeply resent that. I said that in the hearings and I'll say it again today. I serve today with lawyers in this state and judges in this state who I think are the finest people in the world, not all of them but the great majority of them, and I would do a deal with a handshake with most of them. I want to say that and I think most people resent that, I mean we've been hearing lawyer jokes forever, but that's the truth. I want to make sure that, I want to turn that around. I'm sick of lawyer jokes. I'm sick of people saying just because you're something you don't have your own conscience. As we said in the abortion proceeding, the basic thing that I have to do is remember that I took an oath to that flag when I came in here to do what I thought was right in every situation and though I would rather not be here, this is the last place in the world I want to be right now. I guess I have to remember that again. With that as a preface, I would like to talk about Article II and before I talk about Article II, which is the Thayer divorce case on February 4<sup>th</sup> this year, I want to talk a little bit about the Home Gas case because to my way of thinking they are intertwined in a sense that I got a sense of the Chief Justice and of the culture of the court from that first case, that Home Gas case. What I mean by that is this: I guess the majority of us feel that Judge Brock may have made that phone call. But, just those two articles from *Home Gas* are not the whole story of that Home Gas case. It is undisputed that there were two letters sent to the Chief Justice, or from the Chief Justice to Senator Bartlett in 1987 and to Senator Dupont in 1988. That second one in particular was in response to some comments, a conversation that Chief Justice had with Senator Dupont which took place within a week or two before a hearing that Senator Dupont was going to have in Rockingham Superior Court. To my mind, that's interference with a Judge. There is a statute, RSA 640, interference with...I forget how it's phrased, but that was a crime. Certainly the argument is there that it was a crime. He called or he talked to the Chief Justice of the Supreme Court about his case and what happened was the Chief Justice talked to the entire court about it and said: "What should we do about this?" So they sent him a letter saying: "Ask the judge to be recused or file a JCC complaint." We had a discussion at the hearings about that: "Do you think that was the right thing to do?" And he said: "Well, it's hardball politics. That's the way it's played." Well, maybe that's not an impeachable offense, but I think it's fair for you to get a flavor of maybe what was going on here. I don't think it's fair that he's held responsible entirely for the acts of that case, but we can't put Senator Bartlett up here. We can't put Senator Dupont up here. We can't put the other judges up here. He's the only one here. I agree that's not fair, but it is indicative, I think, of the man, a little bit. Then, as you've heard already, we didn't hear anything for the next 10 years because we weren't charged with investigating what happened with Judge Brock and the court in



the next 10 years. But, the next time something happened, in 1989, I think, no 1999, was the Feld case. I think it was 1999, in the Feld case when Justice Thayer, they were talking about disbarment or whatever, what kind of sanctions to give a couple of lawyers, Justice Thayer, who was recused, spoke on that matter and that was wrong. And what happened? The Chief Justice, that's when he said, "Confidentiality trumps everything else." And so, I look at the Home Gas case, which left a pit in my stomach, and then I look at that. I say: "Gee, what happened in the meantime?" Then, I hear about when Justice Thayer amended his financial disclosure and Howie Zibel was concerned about that and he went to Justice Johnson and Justice Johnson said: "Well, don't go to the Chief because he's going to say confidentiality trumps." I wonder about that and so that's the way I look at, with that background, I look at the Thayer proceedings which happened on February 4<sup>th</sup> of this year. So, although they are not entirely related, I don't think you can understand the entire process unless you look at the whole thing. So, February 4<sup>th</sup>, what happened? We've heard a lot about what's impeachable conduct and I would direct everyone to the interim report of Counselor Steinfield. He says that maladministration or malpractice is at least intentional, or reckless misconduct while serving in a position of public trust, intentional or reckless misconduct. It doesn't have to be a trial. It doesn't have to be the intention to commit some heinous act, even reckless misconduct. But, I heard somewhere along the way that, I think Gerald Ford said in one of the impeachment proceedings, federal ones, that it is basically whatever you think it is in your gut and I don't know that that's not true. That's true because we don't have an established definition. But you've also heard testimony this morning that drunkenness can be grounds for impeachment and I don't think you can impute an evil intent on a person for being drunk. As a matter of fact, it is probably a disease but nevertheless it is an impeachable offense. So, February 4<sup>th</sup>, I'm taking a long way around to February 4<sup>th</sup>, I guess, but that the committee found by clearing and convincing evidence that on February 4<sup>th</sup>, Chief Justice Brock engaged in ex parte communications with Justice Thayer and other justices, all of whom had been recused, in which he solicited their comments regarding Superior Court judges to be appointed to the Supreme Court panel that would hear the appeal of the trial court's judgment. Now that, the committee has decided, is an impeachable offense and that by clear and convincing evidence it happened. The Chief Justice, the week before this February 4<sup>th</sup> conference, had been away to Texas to a judicial conference. He got back the night of February 4<sup>th</sup> at about 2:00 a.m. in the morning and he went to work sometime that morning of February 4<sup>th</sup> and there was scheduled what is called a screening conference at 1:30 and a council agenda right after that on that day and a council agenda is a meeting with Eileen Fox where they discuss legislative items, etc. While the Chief Justice was away at the conference, he had asked Howie Zibel to get a list of judges who could serve on the Thayer divorce appeal which had been filed with the court in January of that year. So, there was the Thayer divorce appeal up at the Supreme Court as of January and they needed a couple of judges because there was an original panel the year before for the Thayer case, but two of the judges had to get out. Judge Nadeau went to the Supreme Court so he was recused and one of the other judges had a problem so he couldn't. So, Judge Brock had to appoint two judges and he was within his right to do that. And so, he looked at the list sometime that day and then he walked down to go to that 1:30 conference and as he walked down to the conference he walked by Howie Zibel's office and he stuck his head in, and this is pretty much undisputed, he stuck his head in and said: "I'm going to go with Judge Mangones and Judge Pappagianis for the Thayer divorce panel." Howie said: "Okay, I'll make the calls." So, he walked on and he went to the screening conference. When he went to the screening conference that day there was nothing about the Thayer divorce on the agenda, either on the screening conference or on the council's agenda after. There was no reason for him to mention the Thayer divorce proceeding. Indeed, they went to the screening conference and as far as we know, nothing was mentioned about the Thayer divorce conference. After they finished that conference, they called for Eileen Fox, who is the court's counsel. She came into the deliberation room, the conference room where they have their conferences, and it was Eileen Fox, Judge Horton, Judge Broderick, Judge Thayer and the Chief Justice. Although he had no reason to say anything about the Thayer case, the first thing he said was: "By the way, I'm going with Pappagianis and Mangones with the Thayer divorce panel." Now, in that room were four judges recused from that Thayer case. Included in one of those four judges was a party to that case and he made that statement under those circumstances. The Chief Justice says that by saying that he was not soliciting any reaction. He expected nobody to say anything. We heard testimony about how distraught Justice Thayer was about his divorce but still

his testimony was that he did not expect any reaction. Well, he was wrong. There was conflicting, well not conflicting but everyone had a little recollection, but the Chief Justice himself, said that Justice Thayer, when he heard that jumped out of his seat and said: "No, not Pappagianis. You can't do that." And the Chief Justice said, "Aw come on, Steve, you can't object to that." Then I guess at that point Justice Horton used some now famous nautical language and said words to the effect that Justice Pappagianis was a problem, too, because he was, what he said was a tight-ass, on ethical issues. Now, you would think that Justice Brock would say: "That's it. I made a mistake, but that's it. You people don't have any say. It's my decision and I'm doing it." And I guess that's what Justice Broderick said: "It's your call, Chief. Do what you want." What he did was, he got up and he went down to Howie Zibel's office and when he got there, Howie was on the phone with Judge Pappagianis and he had already called Judge Mangones and he stuck his head in Howie's door and he said: "Have you called Judge Pappagianis?" And he said, "He's on the phone right now." And I don't have the exact language, but he said: "He's on the phone now." It's disputed whether he said: "Could you stop it or can you slow it down, Howie? Sherm has an objection." And so, Howie Zibel said to Judge Pappagianis, "I'll call you back." At that point he goes back to the conference room and he asks Justice Thayer to leave the conference room. He asks Justice Horton what his problem was with Judge Pappagianis and at that point I think they straightened it out that Judge Horton thought he was talking about a JCC panel for Judge Thayer and not the Thayer divorce panel so he said: "Okay, understanding that I don't have a problem." Now, that's in effect Number 1 of Article II. He spoke to a room full of recused Judges without Mrs. Thayer having the benefit, and I don't mean to get into the Thayer divorce, but she did not have the benefit of being in the room or having her counsel in that room. The other thing was, almost every judge except the Chief Judge said that somehow, either by body language or by words, he elicited comments from everyone. The Chief Judge said that, "I didn't" or "I didn't intend to, but if I did, well...." but everyone else said he did. So, he was sitting in a room with recused judges and asking for comments from one of the people who was a party, who was directly affected by that particular case which they all knew was pending at the court. That's the essence of Article I, and as I said, the Judiciary Committee felt by clear and convincing evidence that that rose to the level of impeachment. Now the story continues into Number 2 of Article II, which states that on February 4, 2000, Chief Justice Brock participated in an ex parte communication with Justice Thayer in the hallway outside the court's conference room in which the Chief Justice discussed possible appointments to the Supreme Court panel that would hear the appeal of the trial court's judgment. As I said, when he got back into the conference room, he asked Justice Thayer to step outside. That is undisputed. There was one court employee who testified that she went to the ladies' room and around that time she did in fact see Justice Thayer out in the hallway standing around which she thought was unusual because they were all supposed to be in the conference room. She exchanged pleasantries. She went to the ladies' room, came out a couple of minutes later, he was still standing there. Now, the import of that is that after they had their discussion inside, Justice Thayer testified that the Chief Justice came out to get him, came out in the hallway to get him. They had a conversation and the conversation, if I can find it, was, I'll read from Justice Thayer's deposition: "Chief Justice came out and said that Pappagianis was going to be on my divorce panel but that he would not appoint him to a panel involved in any Judicial Conduct Committee matters that arose, if any. He then asked me whether Judge Mangones had any problems," and he states that he explained that Judge Mangones was involved in his divorce prior and that he thought he had a conflict. Then the Chief Justice said: "What about Judge O'Neil?" Thayer said: "To my knowledge my wife and I have no conflict with Judge O'Neil." And he said something like, "Okay." and re-entered the conference room. If that's true, you could look at it that he rigged the Judicial Conduct Committee panel that was going to be hearing Thayer's case and he influenced the panel that would hear the Thayer divorce hearing. So, the question is, and I have to be honest with you, this part of the article is not as clear as the first part. Testimony is definitely conflicting in what happened and that's why it is important that you know about the Home Gas case, that you know about the Feld matter, because to a certain extent it's a credibility issue. Justice Brock said, when asked who went out to get Judge Thayer in the hallway, he said in his deposition: "We had to get Justice Thayer back in the conference room." How did you do that? "My best memory at this time is that I asked Eileen Fox to ask somebody to find Justice Thayer and tell him to come back in the conference room. It's possible that I stepped out into the corridor and asked somebody to find him, but I do remember sitting at the conference table for two, possi-

bly three minutes while we were waiting for Justice Thayer to come back in the room." A couple of pages later he was asked again who went out in the conference room to get him and he was asked: "Well did you go out to the corridor to get Justice Thayer yourself?" And he said: "I have no specific, oh, to get Justice Thayer? No, I absolutely never went out to get Justice Thayer."

"Did you have any conversation with Justice Thayer in the hallway outside the conference room?" "Not in that hallway. I did have a conference with him later that day in the hallway." In that conversation later, he said he just told him that what you did was wrong, and that Pappagianis will be fair. So, Judge Brock said: "Well, I may have gone out to ask somebody to get him." And then he said, "I never went out." Eileen Fox who was sitting there and had nothing to gain one way or the other and who was not ordinarily in those conferences, so I think the committee felt that she was more likely to remember what happened that day because it was not that usual an event for her. She said, from her deposition, page 61: "Now did you go out to get Justice Thayer or did the Chief Justice do so?"

"The Chief Justice did."

"How long was he out of the room?"

"I don't recall exactly. My, I guess my recollection is that there was no further discussion about the incident when they came back into the room, so I assumed that there was some conversation in the hall, but it seemed to me that they were out of the room just a short time."

"Apart from your assumption that there was some discussion outside the room, I assume you mean between the Chief Justice and Justice Thayer."

"Yes."

"And do you have any basis for that belief?"

"No, other than the fact that there was no discussion when they came back in the room."

So, what she was saying was: "I don't know what was said out there but I sure as heck know that I didn't go out that day," and when they came back, you would think if they didn't have a discussion they would have said, "Well, Steve, we're going to have Pappagianis on your panel." But, she was very clear and consistent all the way through that they said nothing, that they just sat down and started talking about the council agenda which would make you think, like she did, that they spoke in the hallway. Justice Horton doesn't remember anything, basically. But, he does say that: "My best recollection is that when the Chief Justice came back in he went right into the council agenda," and they didn't have any more discussion about the Thayer divorce panel. So, he in that sense, backs up Eileen Fox. Justice Broderick backs up the Chief. He says: "I don't exactly remember, but I have an image of Justice Thayer standing in the doorway, peeking his head in and then somebody asking him to come in again." So, there you have it, conflicting evidence. I can't say 100 percent that they had that conversation. But, I can tell you that the committee voted 16 to 6 that there was clear and convincing evidence that they had that conversation. I can't say 100 percent but that is what a trial is for. But I think, and obviously the majority of the committee felt, that the clear and convincing evidence was that number one, he spoke and invited comment in that room that day and, number two, that he had a conversation with Justice Thayer about his JCC panel and about his divorce panel, without his wife or his wife's counsel present. Anyone out of law school knows you are not supposed to do that. The committee feels that that is an impeachable offense and there you have it.

Speaker Sytek: Would the member yield to questions? Rep. Solow you may inquire.

Rep. Solow: Thank you, Madam Speaker. Thank you, Representative Craig. Representative Craig, how can we believe anything you have said when, already, in your opening statements here, you said something that was not so and I'm telling you it was not so because it relates to an incident that involved me and I'm talking about your reporting the conversation that the Chief Justice had with Senator Dupont? You said that the response from Senator Dupont was: "That's hardball politics." That phrase was not made by Senator Dupont, it was made to me when I asked Justice Brock whether or not he felt threatened by the remarks that Senator Bartlett had made to him. So, don't you agree with me it's clear, a) that there are varying memories of things, even something that happened as recently as when that deposition was taken a week or two ago and, b) that if you have put it out here to these members as something that actually happened, it subjects your credibility to scrutiny?

Rep. Craig: Well, I'm not going to tell you that I'm 100 percent perfect. You're absolutely right. It was and I thought I said, that it was the Chief Justice who said they were playing hardball politics



and that's part of the game. If I said otherwise, I misspoke, but you don't have to believe me. You've all got the material. It's all on the web. It's all in the reports. It's everywhere. You don't have to believe me if you don't want to. I extracted what's in those sources to the best of my ability. I'm a human being. I think I got most of it right, but I'm not going to tell you I got everything right. I'd be lying to you.

Rep. Solow: Madam Speaker, I need ... (tape change) ... and I in no way mean to call him anything other than an honest and forthright person, which he is. I brought this out because I want you to know how important it is that people's memories differ and people can honestly, honestly remember things differently and I happen to remember that particular incident because I happened to have been the person who asked the question. Please forgive me, Jim, if I've done anything or said anything I shouldn't have.

Rep. Craig: I didn't take any offense from anything you said, Representative Solow.

Speaker Sytek: Would the member yield to another question? Rep. Keans, you may inquire.

Rep. Keans: Thank you, Madam Speaker. Representative Craig, I have to take issue with something else you said, and you said Eileen Fox would have a much better memory of what went on in that room because she wasn't used to being there. But isn't the fact really that this was council agenda and this was what her job was, to be there and to present this agenda?

Rep. Craig: That is absolutely right. However, what I meant by that was that the justices have screening conferences and lots of other conferences that she is not privy to and so in that sense, you're right. Once a month, I think it's once a month, they have a council agenda, but she is not privy and she does not sit in there on a regular basis like the justices do.

Rep. Keans: Then what you're telling me is, the words you said were accurate, you just have to put them in a new context. Isn't that what this case has been like from day one?

Rep. Craig: Well, except that I'm saying this once. We have it in transcripts several times from these proponents. I guess I did it again.

Rep. Keans: Representative Craig, I'm not talking about the transcripts, I'm talking about the answers and the reports and the information you just gave this body. How you, in effect, if we were to hold it to the letter of the line, you misspoke. But when we give you further time to answer your question and to context it, it comes out accurate. I think that is what this case has been like from day one.

Rep. Craig: Well, you know, I can't argue with that. All I can say is, that is what a trial is for, because you are absolutely right, what I say and what you say when we see the same things, may be two different things. I didn't say that anything I said was 100 percent correct, anything anybody said was 100 percent correct because there are memories, but there are tests, cross-examination, etc.

Speaker Sytek: Would the member yield to another question? Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker. Thank you, Representative. This morning, a Representative asked, said, that the only thing left in this issue was revenge. So, Representative, I might ask you in your conscientious endeavors to discover the truth, is it your opinion that the only thing left is revenge, or are you reaching for a higher level in your decision to vote for this Article? Thank you.

Rep. Craig: Well, if you are asking me personally, and I guess that's all I can answer for, I don't have anything to be revengeful about that. I feel I've made a good living as an attorney and people have always treated me with, I guess, the respect that I deserve, that they think I deserve, for the most part I'm a happy guy, including the Chief Justice. I'm nothing but sad about this whole thing and I don't know other people's motives. I suspect that maybe Claremont and past things, maybe Judge Fairbanks, has entered into some people's thinking. I think I would be lying if I said otherwise. But, that is the best answer I can give you with regards to my motives.

Speaker: Would the member yield to a question? Rep. Betty Hall, you may inquire.

Rep. Betty Hall: Thank you, Madam Speaker. Representative, what I really don't understand is why Justice Thayer, ex-Justice Thayer, was given immunity in this case, especially when he stated that he was going to bring the whole court down. Would you explain that to me? Why he was given immunity?

Rep. Craig: I don't think that I can. He was given immunity but we were, the committee, to the best of my recollection, we weren't given much information about that and it wasn't forthcoming. So, you know, that's another thing you should consider, too, when you consider Justice Thayer's testimony, that he was given immunity and that's been described as a license to kill by someone in the proceedings. So, if you want to consider that when you consider his credibility, that's fine. But, why he as given that immunity, I can't say. I'd just be speculating.



Speaker Sytek: Would the member yield to another question? Rep. Phinizy, you may inquire.

Rep. Phinizy: Thank you very much, Madam Speaker. I'd like to ask my honorable colleague a question. This is really a two-part question if that would be acceptable. Do you remember specifically when Justice Brock, Mr. Chief Justice, returned from his conference the night before?

Rep. Craig: I'm pretty sure the testimony was 2:00 a.m. or 2:30 a.m., but I think it was 2:00 a.m.

Rep. Phinizy: So, assuming that it was 2:00 a.m., then it would be reasonable also to assume that he could be subject to making an honest mistake not having been able to review the docket for the next day. Would that be a safe assumption?

Rep. Craig: Well, I tried to check that and in his deposition he said that he spent the morning preparing for the screening conference and he didn't say what time he went to work. I don't know whether he did that at home. He could have slept 'til 10:00. I don't know. I couldn't find it in his deposition so I can't answer that.

Rep. Phinizy: Then it would be safe to say that based on the fact that he got in terribly late, and based on the very simple fact that he probably had a sufficient workload and they had a considerable workload that week, that he could have made an honest mistake that morning?

Rep. Craig: I would say that that's an inference that can be drawn by the evidence we have.

Speaker Sytek: Would the member yield to another question? Rep. Sabella, you may inquire.

Rep. Sabella: Thank you, Madam Speaker. Thank you, Representative Craig. I'm very disturbed that I have, I've read the depositions, and I'm very disturbed that I've heard several, I don't want to use the word lies, I'll use the word misstatements, from members of the Judiciary Committee and the Representative who gave the parliamentary inquiry in support of supporting this first charge or whatever it is. Most of us came up here this morning with somewhat a predisposed leaning one way or the other on I, II or III. My question is for the Representatives who have not read the depositions or who are inclined to be less careful: How can we stop or prevent people from saying, this was said by this person when it wasn't? Do we have to have, would it help to have, all the depositions here? I'm very, very upset about this. How can we solve it?

Rep. Craig: Well, Representative Sabella, I guess the only answer I can give you is that I'm, in a sense, subject to cross-examination. Two of my colleagues have come up and told me when I made a misstatement, so I guess that's, if you haven't read anything, then that's your only spell-check here.

Rep. Rowe: Thank you, Madam Speaker and I thank the honorable members. I will be brief today, even though this is a most solemn matter and one of the reasons I'll be brief is pure selfishness. This is a very emotional matter for myself and every single member of the committee. I know all of the members of the committee spent sleepless nights. They got up. They couldn't sleep. They studied. They worked very, very hard. It has been troubling to them. They are sincere, hardworking. I do, however, disagree with them on Article II and I would ask that you vote against Article II. I'm not going to repeat the facts that Representative Craig gave because they are basically true. I would like you to understand them in my eyes. But first, let me say that I am a Representative that believes that we have a good judicial system. But, I do emphatically believe in judicial reform. We need more reform so that the public has the best possible judiciary that is possible, in any country in the world and we should work for that. I know, for a fact, as Sherm Horton said on this investigation, "It is good that in any institution, including the court, that sometimes we open up the lid of the pot, peer in and stir it up." That's what we did and we have found out that there is a great number of things that need to be changed and will be changed. There is another good aspect of the impeachment investigation and that is that every single one of you, every member of the public and every lawyer in the State of New Hampshire has finally had an opportunity to see a judge, speak with a judge, have them answer questions and understand how the court works. Do you understand that I think there are very few attorneys that really, but before this, understood how the court worked? But, why am I against this impeachment? I'm against it for philosophical reasons. First of all, we have to be extremely careful in impeachment. It is the last resort. Every single state in this country is looking at us. They are viewing us. We don't want to set the bar of impeachment too low. We in the Judiciary Committee had very little to go on. We had no New Hampshire guide, 210 years ago they didn't write very swiftly with quill pens, even if the records were available. But there are only 20 or so impeachments of state judges in the history of our country. There is very little standard to go by. What we do here today will set the guideline, the standard for all states to follow and we should be, therefore, very, very careful. Now, there are four reasons for impeachment: bribery, corruption, malpractice, maladministration. Well, it certainly wasn't bribery or corruption. Malprac-

tice, maladministration? The definition of that is mal, malice from the Latin, which means evil, corrupt, evil intent, to inflict injury. None of that happened. If we could impeach for stupidity, we certainly should, because without a doubt the Supreme Court was run inefficiently and with stupidity but we can't impeach for that. A letter of address? Yes, that is possible. But this does not rise to the level of maladministration or malpractice. That is the reason why I'm asking you to vote against it. Stupidity, yes. Now, understand the Supreme Court. I'd like you to put yourself in the position of being a judge on the Supreme Court. Before you are appointed, you have hundreds of attorneys that call you. You speak to people. You have a dialogue. You meet clients. Once you become a member of the Supreme Court, it's like going into a cocoon. Justice Horton mentioned it. Nobody calls you. No one talks to you. Your old lawyer friends won't speak to you. They are afraid. You're too high. The judges you are going to judge, they won't speak to you. It's a very, very lonely job. You have five members there. Sooner or later they become like family and you treat them like family. Whether you treat them like a father or a brother, or I should say like a sibling, or a son or daughter, I don't know, but you treat them closely. You had the occurrence of the Thayer case, an outburst, an absolute unusual situation of having a judge being divorced and believe me, I don't think any of us, if we are going to get divorced, want a divorce like that. It was an outburst. Certainly, Judge Brock had compassion and understanding for a fellow justice. He had an obligation under the law absolutely not to have an ex parte communication. But, rules of conduct, how many of us have gone speeding, crossed a solid line? We've all done it, but he showed compassion. He was wrong, absolutely wrong in doing it. I can understand how it happened. He was wrong. I don't believe that this is an impeachable offense and I would hope that you would also agree that on this occasion that we want, well, when we go to court, not only do you want the court to make a correct judgment of the facts and the law, don't we want the court to show understanding to each and every one of us, compassion to each and every one of us? I think we do. I think we ought to show that understanding today, the compassion today to Judge Brock. He did wrong but it is not impeachable. Set the impeachment level bar high, not low. Thank you. For the sake of time, I will not accept any questions because I'm sure that any question will be answered by fellow speakers.

Rep. Soltani: Thank you, Madam Speaker. Madam Speaker, practical politics consists of disregarding the facts. I didn't make that up. That was written by that great American, Henry Adams, in the early 18<sup>th</sup> century. That is the problem here with this article today. The only way we can vote it down is if we engage in practical politics and ignore the facts. The facts are there and are irrefutable. What are the facts? Well, we have Judge Brock, the Chief Justice of the Supreme Court, presiding over a case conference in which he raises the issue of selecting a panel to hear the appeal of the divorce of Judge Thayer. All of the judges in that court room were recused. By law, he could not have raised that issue. He did. And all the testimony, except that of Judge Brock, indicates that he sought input. By law, he could not do that. Subsequently, he had a chat about who should sit on this fellow's appeal. He could not, by law, do that. He had a conference outside of the conference room with Judge Thayer, during which he discussed the names of the judges that would be acceptable to Judge Thayer for his appeal. By law, he could not do that. He did. I'm asking you today not to engage in practical politics because the New Hampshire House is way above that. This requires a principled judgment. This is a political process, not a legal process. I recognize that. But not all politics requires us to disregard the facts. Judith Thayer, the other party in the case, was not in the room, was not there. You see, that dichotomy that emerges from this pattern of behavior is repulsive to me, is repulsive beyond belief. The dichotomy that there are two classes of people that can resort to courts. One, the disadvantaged, the vulnerable, the poor, the peasants. The other one, the powerful, the invulnerable, the wealthy, the princes. This follows the immediately previous article and in this case, Judith Thayer was perceived as powerless. Therefore, she was preyed upon. We can't allow that. We can't begin to wander down that road. Another great American said, "It's not that any particular class is incapable of governing." Lord Acton said, "All classes, any class is incapable of governing by themselves. We must include all classes." And in this particular case Judith Thayer's class was excluded from the deliberation. There was horse-trading going on outside of the conference room while judges' names were being bandied about and Judith Thayer was not represented. Judith Thayer did not have anything to say about that. That's wrong. It's against the rules of the court. It's against the law. That's dead wrong and we can't tolerate it. But, I can't leave the podium without addressing a couple of the points that were raised. One was, the standard would be lowered or we would somehow be violative of the constitutional mandate of maladmin-

istration, malpractice, corruption and bribery. The truth is we know, and the Judiciary Committee knew well, that when the United States Constitution was being framed, the same phrase was considered and it was James Madison who thought that the New Hampshire version of the verbiage was a lower threshold than the federal version, so the federal version was elevated to only allow impeachment for high crimes, misdemeanors, corruption and bribery. The New Hampshire version, which was passed after the federal constitution, after Madison had made it abundantly clear that it was a lower threshold than the federal constitution, established that lower threshold of maladministration, malpractice and don't let anybody kid you, malpractice and maladministration is exactly what you think it is. You are as knowledgeable about that as any Harvard or Yale graduate. It leaves it entirely to your conscience. Another one is, well, we've got to be compassionate. Yes, judges on the bench are compassionate every day and juries are compassionate every day. Compassion does not require absolution. It does not require you to give somebody a pass after having violated the constitution. We can't do that. We can be nice to them. We don't have to humiliate them. But at the same time, we need to correct and impeachment is a method of correction. Another bizarre one that I heard was, well, if we impeach for conduct such as this, then talented people won't want to be judges. Well, let me say it here and now, talented people who have this urge of trampling on people's rights, on violating the constitution and breaking the law repeatedly and failing to treat people equally, need not apply as judges in New Hampshire. We don't need talent like that. Madam Speaker, I know the time is late, but my personal beliefs require that I take questions if there are any raised. So, the only way to get rid of me is don't ask me questions.

Speaker Sytek: Representative Dudley, you may inquire.

Rep. Dudley: Thank you, Madam Speaker. Thank you, Representative Soltani for taking my question. It will be very brief. A statement was made by a Justice that no harm was done during the Thayer v. Thayer, February 4<sup>th</sup> conference. Would you agree? There are two parties involved in any divorce action and there was only one party at the conference, regarding the selection of judges at the Thayer v. Thayer February 4<sup>th</sup> conference. I'm sorry, this is my first time here and I'm nervous so if you can hear me it is probably just as well.

Rep. Soltani: You're a pro, Terri. Don't let anybody kid you. Was there a victim? Of course there was a victim. The primary victim is the law, the rule of law. If we depart from it, then it doesn't matter who is violated. In fact, Judge Brock himself wrote in the case of Judge Snow who was accused of malpractice or misbehavior that outcome is irrelevant when it comes to judicial misconduct. It doesn't matter if anybody gets killed or not. The truth is you engaged in judicial malpractice. You have to be corrected. Is there a true victim? Yes. Judith Thayer is the true victim. She was left out of the discussion and that is just not something we can tolerate.

Rep. Dudley: Would you further agree that harm was done to at least one person during this conference and in a broader sense to the people of New Hampshire, Judith Thayer represents John Q. Public as well as Jane Q. Public?

Rep. Soltani: To that I can say amen and hallelujah.

Speaker Sytek: Would the member yield to another question? Rep. Vaillancourt, you may inquire.

Rep. Vaillancourt: Thank you, Madam Speaker. On the day of your committee's deliberations, I did manage to sit in for a couple of hours and I was so struck by the comment of one of your colleagues on the committee that I wrote it down with the hopes of asking someone for an opinion and since you're an attorney, I'll ask you. This individual said, "Justice Brock has delivered good opinions for 20 years, so we shouldn't impeach him." Does that make sense?

Rep. Soltani: The Representative is correct, my friend from Manchester. Having behaved properly for any duration of time, be it 10 years, 20 years, 30 years or a life time, does not absolve someone from being held responsible for their conduct. If a person said that, I'm sure they did, they didn't mean exactly that Judge Brock should be absolved. They were again asking for mercy. The right place, though, for that during the sentencing phase is in the Senate, not in the House of Representatives.

Speaker Sytek: Will the member yield to another question? Rep. Solow, you may inquire.

Rep. Solow: Thank you, Madam Speaker. Thank you, Representative Soltani. Representative, you know that you and I agree that it is important to get the facts and there is one thing you said that I'm unclear of as to its factual nature. You said all the justices were recused in the Thayer v. Thayer situation and at that conference. But, am I correct in remembering that that does not mean that they necessarily were recused from the ministerial duties which included appointment of substitute judges?



Rep. Soltani: I'm afraid the gentle lady is incorrect about that. The New Hampshire rule does not distinguish between ministerial or scrivener's acts than judicial acts. Nevertheless, even if it did, the selection of a substitute judge is not a scrivener's act. It requires discretion on behalf of the actor and elevates it to a quasi judicial conduct. At the same time, the selection of a substitute, by New Hampshire law, is not the work of the judges as a group. It is the work of Chief Justice Brock exclusively. That's by law. Therefore, because he, himself, would have been recused then it would have fallen to the next person down, the Senior Justice, and because all the Senior Justices and, in fact, all the justices were recused, then by rule of necessity it would revert back to him. The only person who could make that decision under New Hampshire law is Justice Brock and all the others were, by law, excluded.

Rep. Solow: I appreciate being educated on the point. Thank you, very much.

Speaker Sytek: Would the member yield to another question. Rep. Sapareto, you may inquire.

Rep. Sapareto: Thank you, Madam Speaker. Thank you, Representative Soltani. My question, this goes to two areas that we have, this hinging around two ex parte communications. One is whether or not that in the hallway that this did occur. Now, from Representative DePecol's previous discussion with us, he mentioned that there was conflicting testimony on whether or not that conversation occurred. Now, did that, I mean, I'd like to know in your words whether that, what is the evidence that that did occur. And number two is, we talk about the ex parte communication where he walks back into the conference room and tells the other judges exactly who will be sitting on that case. Is that not public knowledge? Or if that is in turn an impeachable offense by ex parte, I'd like to know what those two questions, one is that considered an impeachable offense, one just because he said what the judges that sat on the case were? I would even get into whether or not that's a solicitation. And then number two is whether or not that that, is there clear and convincing evidence that that conversation occurred in the hallway?

Rep. Soltani: I'll do my best to answer it, but I've got to say I'm a little bit confused about the question. Is there evidence that the hallway conversation took place? Yes, it did. The evidence given by Justice Thayer confirms it and then we always look at inferences and corroboration. The testimony given by Eileen Fox corroborates that although not conclusively, but it gives reasonable inferences. You have to realize that in law we always look to other factors. Seldom is the decedent, the murdered person, around to answer the question, "Who killed you?" So, we have to look at the facts that surround it, physical evidence and other testimonial evidence. In this case, we look at the testimonial evidence. We have Thayer. We have Eileen Fox. The timing matches it. The only person that denies it is Justice Brock and we also look at, well, other motives to be truthful or are there motives to be truthful. That is one of the jury instructions that we give. Does Judge Brock have motives to forget the hallway conversation? As a human being, yes. I don't mean that in a bad way. You just don't want to remember some things and that is something that you want to erase from your memory banks. The second question, I don't know what it was, but you're right.

Rep. Sapareto: Thank you, Representative Soltani. The question is, whether or not a, just an announcement of who the justices that sit on a particular case, is an impeachable offense?

Rep. Soltani: An announcement by itself in violation of the New Hampshire statutes as well as canons of judicial conduct, in my opinion, yes; but worse than that, an announcement and invitation for input from recused justices definitely, yes, resoundingly yes.

Speaker Sytek: Would the member yield to another question? Rep. Wallin, you may inquire.

Rep. Wallin: Madam Speaker, I promise to be gentle. Madam Speaker, I wonder if I heard the member from Epsom correctly when I thought he said, and that is what a lot of is going on today and actually during the hearings and during the deliberation. I thought I heard him say that the time for charity and the time to be nice to Chief Justice Brock was in the Senate at the so-called sentencing phase of this whole deliberation and so what I heard him say when I heard those words was, we are going to go through a trial costing between \$300,000 to \$500,000 only to have the Senate not find the Chief Justice guilty because the evidence that we are going to bring and the prosecution we are going to carry on is going to be so flimsy.

Rep. Soltani: I'm afraid the gentle lady misunderstood what I said. The Senate is the body that imposes a sentence after conviction and the sentence could be from nothing all the way up to removal from office and deprivation of office of honor. That is entirely up to the Senate. During that phase, they can consider the person's good service to the state and they can consider a person's character. Those are generally not the domain of the inquest or of the originating body. At the same



time, though, if the Senate were to find not guilty, that is not the objective. We define our success as a government and as a people by the process that we follow, not necessarily by the outcome. Outcome to us as a people is irrelevant. Did we give this person fair process? Did we stay loyal to the words of the constitution? If the Senate decides to not to convict, I'll be just as happy.

Rep. Wallin: So, one further question, Madam Speaker. Then the member from Epsom is absolving me from having not deliberated in earnest when I vote against this particular article, is that true?

Rep. Soltani: I don't want any misimpression. Each member of this House is vested with the ultimate power of deciding what an impeachable act is and deciding what burden of evidence is to apply and then deciding whether to vote to impeach or not. It is entirely a question of your conscience, nothing else, guided by your moral compass and you can look to rules in New Hampshire, laws of New Hampshire, statements of public policy to guide that moral compass. But, you are eternally answerable only to your conscience and don't let any lawyer kid you.

Rep. Wallin: Final question, Madam Speaker. The member from Epsom, probably in his second career, which I understand he was a member of the police force before that, probably should be segueing into the religious area or perhaps the area where you give speeches to make people feel better because I really appreciate the instruction that you've been giving me.

Rep. Soltani: Madam Speaker, the gentle lady from Concord has repeatedly promised to be gentle with me and she has yet to live by it.

Speaker Sytek: Will the member yield to another question? Rep. Phinizy you may inquire.

Rep. Phinizy: Thank you, Madam Speaker. In your dissertation before the questions and during the questions, you, my honorable friend from Epsom, you discussed things about input, motive and refusal, did you not? Well, you discussed these were aspects of this dissertation were they not?

Rep. Soltani: Sure.

Rep. Phinizy: Were they then, how do I want to characterize this, were they then sort of part of the entire thread of your argument? When we talk about ethics and all this kind of thing?

Rep. Soltani: Agreed.

Rep. Phinizy: What I would like to ask you then is, how did you vote? Now, you're going say this bears no resemblance on this, but I'd like to ask you how you voted on the reprimand for Justice Horton, Mr. Justice Horton.

Rep. Soltani: I voted against all reprimands for any justice before conviction by the Senate. I don't believe we have the authority to do that.

Rep. Phinizy: That's fine, but including Mr. Justice Horton?

Rep. Soltani: On all of them. I made no distinction. I voted against any measure to reprimand or censure because we do not have the authority to do so.

Rep. Phinizy: Well, then final question, hopefully, Madam Speaker. I would like to ask you and I would be willing to read the statement that you made at those deliberations before the final day, did you not say, "I have to confess about the fact that I like Sherm Horton?" And, would that not, as a result, require you to recuse yourself from voting one way or the other?

Rep. Soltani: No, and you need to take the whole thing in context. I was informing the other committee members that what I say may be tainted by my affinity for Judge Horton. I like him as a person. I've never had a drink with him. I've never been to any social gathering with him. I just like him and I needed to tell the other members that what I say may be shaded in favor of Judge Horton and that's all I was doing.

Rep. Phinizy: Then, one further question. I apologize, Madam Speaker. Then, at the pleasure of this audience and my fellow representatives, I will withdraw my question.

Rep. Soltani: You are a good man.

Rep. Eaton: Thank you, Madam Speaker. Valued colleagues, I'm impressed with the diligence of the Judiciary Committee and I'm impressed with the leadership of the Chairman of the Judiciary Committee. I was also impressed last week or 10 days ago when we last met how the members of the Judiciary Committee rallied around the Chairman when he was challenged here. Madam Speaker, the workings of the Judiciary Committee has been like the workings of a family. As I watched the hearings across the street, because I wanted to be there to watch the demeanor, to get a sense of the dynamics and the vitality and the looks and the whole flow or lack thereof, I was impressed with the Chairman because he let differing perceptions, perspectives, questions, interpretations, feelings and facts be expressed. But, then, when it was appropriate he stepped in and he moved the process forward. I believe there is an analogy. I believe there is a parallel, Madam Chairman. And just as

an aside, I think we need to remember my perspective is usually a little bit different and it's back to basics. They say the law came from custom, the law came from what seemed to work with people and then they decided they needed to codify it and so we had written law. However, someone has said a long time ago, before you judge someone you need to walk in their shoes for a period of time. You need to have a sense of how they work, how they think, what their tradition has been. I believe that the workings in the New Hampshire Supreme Court can be likened to a family, where the five members, they can and they do express their perceptions, their perspectives, their interpretations, their feelings as a group. They sit around and they discuss the issues that are embroiled in the particular case that comes before them. And then the Chief Justice steps in and moves the process. That is part of his responsibility. This pattern has continued for decades and specifically, when Justice Thayer uncharacteristically exclaimed emotionally about his replacement, when the Chief Justice named who that would be, like the head of a family, Chief Justice Brock let things simmer down for a bit and then he said, "My choice is and that is who it is." It didn't alter. One of the five Justices comes, I guess I want it to be because he is from the north country where I'm from, one of the Justices, Judge Batchelder from Plymouth said about Judge Thayer when he was going through his emotional trauma, he said, "You know, he talked a lot and we let him talk. It was like a family, but we let him talk but we didn't really listen." Madam Speaker, a family, be it the Judiciary Committee of 20 to 22 members or be it the five-member New Hampshire Supreme Court, accomplishes something by going through the pulls and tugs, by listening to one another. The broader understanding we can have, the better the product will be ultimately. I think it is important when you weigh the scales of justice and you look at a 25-year career, that's 12 governorships, to the substance, not the emotion, but the substance that we are looking at today. And just as a postscript, it is also important to realize that we are at a crossroads. America has been described as being litigious and I can say this because I graduated from Frank's in 1990, ten years ago, Franklin Pierce Law School. We are, in America, described as being litigious; at the drop of a hat, let's go to court. Whereas Canada, Great Britain, negotiate. They say they are going to take the longer view. They know if they go to court on Friday and pull and tug they may still have to work with the people with whom they wrangled in court the Friday before on Monday morning. So, just keep these things in mind. Put them together. I know it's important to look at the specifics, to look at the rules, but it is also important to put it into context of how we treat one another, that this is not a perfect world and if the ultimate goal is to make it better. I remember when I ran two state agencies here back from 1978 to 1984, they used to say, "Oh it's her fault. It's his fault." I said I don't want to hear that. What I want to hear is how we go from this day forward and to make it better and I think that is part of what we need to consider today. Thank you, Madam Speaker.

Rep. Solow: Thank you, Madam Speaker. Thank you, Representatives, for your patience in letting me appear in front of you so often. I feel so strongly about this that I must be sure that we are judging it on the facts. I brought up the question of memory and the correctness of memory because it is so important as we judge the facts and as we draw inferences here. Jim Craig did a fine job of laying out the facts on the Thayer v. Thayer episode which is what we are referring to in Article II. Let me talk about a couple of things. A large part of believing that there was an ex parte communication out in the hallway, a large part of that relies on your believing that Justice Thayer is a credible witness, and I want you to think about Justice Thayer and think about the fact that he resigned in order to avoid criminal indictment for actions that he had taken with respect to his duties as a Justice. To me that raises a question of creditability. I sat in on every single deposition. I heard almost every word. I wasn't there for the afternoon session of Justice Thayer so maybe he said something that was more convincing than it appeared when I read the transcript, but I think comparing Chief Justice Brock's credibility and Justice Thayer's credibility, I have to come down on the side of Chief Justice Brock. Now, let me tell you, Chief Justice Brock is no friend of mine. My only exposure to Chief Justice Brock was when he came into the hearing rooms, first last year on some bill or other that I can't even remember, please don't ask me about it because I don't remember, and during the depositions. I looked at my notes taken at those depositions last night and I wrote down these words: evasive, weasely. That's how he impressed me in the deposition. That does not mean that he lied. It does not mean that he is not creditable. It means that he was trying very hard to put forward to the people who were going to make this sincere and serious judgment about him, he was trying very hard to be sure that he said the right thing. He also has a memory that's not always the same as somebody else's memory. Jim Craig and I have memories that aren't

always coinciding with each other but that doesn't mean that one of us is not creditable. I firmly believe and I hope you will believe that Chief Justice Brock is telling the truth when he tells us what his memory is. So, here we go. Rep. Craig said that the Chief testified in one place, "I may have asked someone to go out in the hall and get Justice Thayer," and in another place, "I never went out to get Justice Thayer," and cited those as contradictory. I don't see those as contradictory, do you? He may have asked somebody else to go out. He never went out himself. Not at all contradictory. I find that quite believable. Eileen Fox, Counsel for the Court has a memory that the Chief went out. We've had very little exposure of Eileen Fox to the committee, but to me she appeared a credible witness. I believe she was saying what she honestly remembered. However, we also have testimony that Ms. Nadeau was out in the corridor and saw Justice Thayer out in the corridor and she passed him twice, once on her way to the ladies' room and once back from the ladies' room. She did not testify, at all, that she ever saw Chief Justice Brock out in the corridor. I'm telling you all this because the details are important in the way you view credibility and credibility is at the core here. If, after hearing all these things, you still don't see it the way I do, you still think that maybe Justice Thayer is the person who is telling the truth, that there was an ex parte conversation in the corridor, although frankly why the Chief would do that when there were certainly other opportunities to talk to Justice Thayer is beyond my understanding. But it is possible, so you have to decide for yourself which really happened. But more than that, you have to decide how to weigh what happened and I wrote down a couple of notes to myself to be sure that I said them to you. Remember, first of all, that what we are doing here is setting a precedent. I very much appreciate the levity that proceeded me here at the podium. I think sometimes I take things too seriously, but I can't imagine anything we've been asked to do in the last year that I have been here, two years, one session, and all the years that so many of you have been here, that is more serious than this decision that we are making today about impeaching a Chief Justice of the highest court of the State of New Hampshire. So, I ask you, don't impeach on doubt. If you have a doubt, that doesn't give you cause to impeach. Lack of evidence is no evidence. If you don't have evidence, you shouldn't conclude that something happened. One of the members of my committee whom I respect very highly, among the others, said it troubled her that she would never know that if Howard Zibel hadn't reported this whether it would ever have been reported. How does that weigh into this decision? It doesn't. It shouldn't. Because we have to judge on what happened and what we know happened and what we believe based on the facts happened. Not on what would have, could have, should have happened. So, please, if you are making inferences, base them on facts. Henry Mock, a man that I respect and disagree with, spoke to you this morning. He said there are bad things that have been happening in the courts. I couldn't agree more. He said the recusal policy is one of the worst things that has happened because it undermines people's trust in the court. I couldn't agree more. There are things that we have discovered that are wrong but impeaching the Chief Justice of the Supreme Court will not correct those problems. What will correct them are the reforms that I hope will come to you in the next session. What will correct them is the investigation that this committee has so laboriously conducted and that, as Representative Rowe said: We've lifted the pot lid. We've seen what's inside. Secrecy is not the same as confidentiality. There has been more secrecy in the court then there should be. Confidentiality is important, not secrecy, and there are some reforms whereby I think we can allow any documents, those red-dot documents that cover six feet on the bench that Henry Mock was talking about this morning. We can allow those to become public after the cases have been resolved. And, also, please remember compassion. I am not basing my judgment on compassion. I didn't find David Brock a likable person. I found him defensive. I found him combative. I found him arrogant. I found nothing in any of those characteristics that rises to the level of an impeachable offense. I hope you will agree with me.

Speaker Sytek: Would the member yield to a question? Rep. Pitts, you may inquire.

Rep. Pitts: Thank you, very much. There is one statement that I am troubled with and that's in Section 5 of Article II and the sentence reads: "The said David Brock did affirmatively dissuade and discourage Justice William Johnson from reporting the misconduct to the proper authorities." That is troubling to me above all else. Can you explain that statement and is there corroborative evidence for that statement?

Rep. Solow: Thank you, Representative, for the question. Madam Speaker, may I have permission to read a document from William Johnson?

Speaker Sytek: Without objection, the member may read it.



Rep. Solow: Thank you Representatives, for allowing me to do this. Judge Johnson is my neighbor across the street. We are not friendly but we do talk to each other. We have an amicable relationship. He is very troubled about what came out in the testimony and the possible inferences that could be drawn from the testimony and he handed me a document the day before yesterday which I have not shared with the committee because I have not had an opportunity to do so. I would like to read some of it because it is directly in response to the question that the Representative just asked me. He's talking about the Feld case discussion in April, April 23, 1999, the case conference in Feld's case. Let me read you a couple of things. The statements that he is reporting to me in this document came from the testimony so I think it is in order that I read them.

Speaker Sytek: Representative Solow, someone has objected.

Rep. Solow: Thank you. If I may answer the question on my own, I would say that everything in the deposition that Justice Johnson refers to in this memo is there for you to read and it corroborates the testimony that the Chief did not dissuade Johnson; that Johnson talked to all of his colleagues and made his own judgment about whether or not to report the incidence. Thank you.

Speaker Sytek: Would the member yield to another question? Rep. DePecol, you may inquire.

Rep. DePecol: Thank you, Representative Solow, Madam Speaker. I'm so glad you brought up the idea of facts. Is it not a fact that Justice Brock announced to the Supreme Court that he was going to appoint Justices Pappagianis and Mangones to the Thayer divorce panel? And, is it also not a fact that when Justice Thayer and Justice Horton objected to that that he got up and went down to his Clerk and told him to stop everything?

Rep. Solow: The facts we have are based on the testimony we received and the testimony is that he said to the assembled justices, "I'm going with Pappagianis and Mangones." That was a statement of having already made the decision, not inviting comment. And, in fact, for those who suggest that comment was invited, it seems to me that if they had been expecting comment they wouldn't have been so surprised at the response of Justice Thayer to the announcement, not invitation but announcement, that he was going with Pappagianis and Mangones. And, Representative DePecol, if you'll repeat your second question, I'd appreciate it.

Rep. DePecol: My second question is, even after all that, is it not a fact that when two recused justices objected to his call on who to appoint, that Justice Brock then went down to his Clerk and told him to stop everything, thereby effectively acting on their objections which are illegal?

Rep. Solow: I would agree with the first part of your statement but not the second. He wasn't effectively acting on it, he was responding to the turmoil that had occurred in the room. The first part, you are correct. By his own testimony, he went out of the room, excuse me, he asked Thayer to leave the room and then later he had a conversation with him late in the afternoon in the Clerk's corridor, not in the corridor outside the conference room.

Rep. DePecol: Thank you, Madam Speaker. Representative Solow, I want to come back to the point. Is it not a fact that after all that Justice Brock got up, went down to his Clerk and told him to stop all further actions?

Rep. Solow: I'm sorry, Representative DePecol, I thought I had answered that question. The deposition testimony and the testimony in public session indicates that he did declare that, yes.

Rep. Mock: Thank you, Madam Speaker. Like in every one of these articles things seem to get twisted around and get confused. Anything to get you confused. This is not, this is not a complicated article. It is one of the easiest ones. It is the easiest one, as a matter of fact. I'm just afraid that a previous speaker has still not learned the difference between impeachment and going to trial. We do not have to prove conclusively, like she told you, that something happened. Did it likely happen? Is it beyond a preponderance of the evidence? Where is it? Is it between 51 percent and between 99, is it somewhere in there that it probably happened? That's what you need. We don't have to prove it. Justices testified that when the Chief Justice made his announcement, it was sort of like, I'm going to go with Pappagianis and Mangones, you know, how's that? It's how you say it. Thayer reacted. Horton reacted. They were all recused. They broke their laws, exactly what I told you this morning. They broke their own rules, which are laws, when they did that. What did the Chief Justice do? He got up, he left, he went down, just as Representative DePecol told you, tried to stop the phone call, did, as a matter of fact, came back, asked Thayer to leave, go out in the hallway. Testimony was a court clerk saw Justice Thayer in the hallway, pretty good evidence. She saw him standing there, right where Justice Thayer said he was. He testified to that. Then, Eileen Fox testified, no question in her mind but what the Chief Justice left the room after he came back



and then went out in the hallway and got Judge Thayer. Judge Thayer says they had a conversation. Is that absolute proof, 100 percent? No. Is it good enough for impeachment? Is it an ex parte communication? Probably. And that's why the committee voted, I've forgotten what the vote was, to make this an article of impeachment and I hope that you will agree. Thank you.  
Rep. Mock requested a roll call; sufficiently seconded.  
The question being the adoption of Article II of House Resolution No. 51.

**YEAS 252 NAYS 104****YEAS 252****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Johnson, James	Lawton, David
Rice, Thomas	Rosen, Ralph	Russell, David	Salatiello, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Hunt, John	Lerandean, Alfred	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Robertson, Timothy	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

**COOS**

Davis, Perley	Horton, Lynn	Landers, Dana	Mears, Edgar
Pratt, Leighton	Tholl, John Jr	Woodward, David	

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	MacNeil, Allen	Marshall, Gene
Mirski, Paul	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Dawe, Eileen	Desmarais, Vivian
Desrosiers, William	Drabinowicz, A Theresa	Emerton, Lawrence	Fenton, James
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haley, Robert	Herman, Keith
Herman, Richard	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Keye, Harvey	Kurk, Neal	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Lefebvre, Roland
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey
Martel, Andre	Martin, Mary Ellen	McCarthy, William	McCarty, Winston
McDonald, James Sr	McGough, Tim	McRae, Karen	Mendenhall, Leslie
Mercer, Robert	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane

Ouellette, Dean  
Sargent, Maxwell  
Vaillancourt, Steve

Pepino, Leo  
Simon, Anthony  
White, John

Peterson, Andrew  
Tate, Joan

Reeves, Sandra  
Thulander, O Alan

### MERRIMACK

Anderson, Eric  
Langer, Ray  
Lockwood, Priscilla  
Soltani, Tony

Brewster, Richard  
Larrabee, David Sr  
Marple, Richard  
St Cyr, Gerard

Hoadley, Elizabeth  
Lavoie, Gerard  
Nichols, Avis  
Virtue, Carolyn

Jacobson, Alf  
Leber, William  
Poulin, Dave  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Cox, Russell  
Dowling, Patricia  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

Arndt, Janet  
Bridle, Russell  
Dalrymple, Janean  
Downing, Michael  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Noyes, Richard  
Pantelakos, Laura  
Rabideau, Marie  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Christie, Andrew Jr  
Dearborn, Bruce  
Dunham, Vivian  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
O'Keefe, Patricia  
Pitts, Jacqueline  
Raynowska, Bernard  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

Belanger, Ronald  
Clark, Vivian  
DiFruscia, Anthony  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Stone, Joseph  
Weare, Everett

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Knowles, William  
Rollo, Michael  
Woods, Phyllis

Brennan, William  
Gilmore, Gary  
Lundborn, Raymond  
Smith, Marjorie

Brown, George  
Heon, Richard  
McKinley, Robert  
Taylor, Kathleen

Cossette, Larry  
Kaen, Naida  
Rogers, Rose Marie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Leone, Richard

Flint, Gordon Sr  
Robb-Theroux, Amy

Jones, Constance  
Young, David

Kibbey, David

### NAYS 104

### BELKNAP

Holbrook, Robert

Millham, Alida

Pilliod, James

Wood, Jane

### CARROLL

None

### CHESHIRE

Burnham, Daniel  
Pratt, Irene

Doucette, Richard  
Riley, William

Lynch, Margaret

Lynott, Margaret

### COOS

Guay, Lawrence

Rodrigue, Robert

### GRAFTON

Almy, Susan  
Johnson, Gary

Copenhaver, Marion  
Nordgren, Sharon

Eaton, Stephanie  
Solow, Martha

Guest, Robert

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Daigle, Robert	Dokmo, Cynthia
Dwyer, Paul Sr	Dyer, Merton	Ford, Nancy	Garrish, Linda
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Johnson, Lionel
Leishman, Peter	McColgan, Philip Jr	McDonough-Wallace, Alice	Melcher, Harold
Messier, Irene	Murphy, Robert	Reidy, Frank	Rowe, Robert
Sarette, John	Withee, Dennis		

**MERRIMACK**

Asplund, Bronwyn	Bouchard, Candace	Chase, George	Crosby, Toni
Daneault, Gabriel	Fortnam, Janet	Fraser, Marilyn	Gile, Mary
Hager, Elizabeth	Hess, David	Kennedy, Richard	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Reardon, Tara	Rodd, Beth	Rosenfield, Jay	Seldin, Gloria
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles

**ROCKINGHAM**

Blanchard, MaryAnn	Carson, Gregory	Case, Margaret	Clark, Martha
Cooney, Richard	Gibbons, Paul	Johnson, Robert	Kane, Cecelia
Lovejoy, Marian	Norelli, Terie	Sabella, Norma	Sapareto, Frank
Shultis, Elizabeth	Splaine, James	Stritch, C Donald	Weatherspoon, Jackie
Zolla, William			

**STRAFFORD**

Berube, Roger	Brown, Julie	Callaghan, Frank	Dunlap, Patricia
Estabrook, Iris	Grassie, Anne	Johnson, Nancy	Keans, Sandra
Lent, Donald	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Snyder, Clair	Torr, Franklin	Twardus, Joseph	Vachon, Dennis
Vincent, Francis			

**SULLIVAN**

Allison, David	Donovan, Thomas Jr	Phinizy, James	Tuthill, John
Wiggins, Celestine			

and Article II was adopted.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

**DEBATE ON ARTICLE III**

Speaker Sytek: Next we'll take up Article III, also on page 1612.

Rep. Phyllis Woods: Thank you, Madam Speaker and thank you, members of the House. I'm going to be talking to you about Article III wherein we state that Judge Brock did give false testimony under oath to the House Judiciary Committee during its investigation. I want to say a word about allegations that have been made about the Attorney General's report. Whether or not you agree that there were problems in that investigation and that the justices were perhaps not apprised of the full scope of the investigation, really does not impact on the decisions that were made by the House Judiciary Committee. In the final analysis, that was only the vehicle that actually brought forth this investigation but we conducted our own investigation. We took our own depositions and the Attorney General's report ultimately played a very small role. We paid very close attention to what happened during those depositions and what happened in the public testimony. On two of the occasions that are cited under the four points in this article, there was conflicting testimony given by Judge Brock himself from one deposition to the next which required no further evidence and no corroborating testimony. Now, even though this was not a part of the original focus of our investigation, the committee felt this was such a serious matter that we ultimately voted, by the greatest majority, that this should become an article of impeachment, 17 to 5. Since number three and number four of this Article have been fairly thoroughly covered by my colleagues from Walpole and Manchester, I'll mention them only briefly and will focus my remarks on number one and number two. What I'm going to do is share with you some of the actual testimony that was given by Judge

Brock. I'll lead you through that. This will be the exact testimony that led us to our decision. And then I'll respectfully present that to you for your consideration. Number one, on May 19<sup>th</sup>, Judge Brock testified that he did not know whether a letter of March 3, 2000 from his attorney had been sent to the Attorney General's office reporting threats made to him by former justice Thayer. Now, he had agreed during testimony that those threats imposed a duty on him to report, so this was a very important letter. During the testimony, Judge Brock's attorney provided Attorney Steinfield with a copy of the letter. Then began the following dialogue: Question by Attorney Steinfield, "You've given me what appears to be a draft letter, dated March 3<sup>rd</sup>, 2000 from Michael D. Ramsdell or bearing his name, not his signature, to Charles T. Putnam, Assistant Attorney General. Do you know whether this letter was ever sent?" Answer: "Of my personal knowledge, no." Later on in questioning, Attorney Steinfield asked, "Now, you don't know as I understand it, whatever became of that letter?" Answer: "My assumption is it was filed with the Attorney General." Question: "Well, I'm asking what you know." Answer: "Well, I know I was told that it was going to be filed with the Attorney General." On the next day that we deposed Judge Brock, May 24<sup>th</sup>, when this same item was brought up, Attorney Steinfield asked, "So you knew last time, last time you were here, you knew that this letter had not been sent to the Attorney General?" Answer: "Yes, counsel had told me that, yes." Later during the same testimony Attorney Steinfield again asked, "You knew before you last came here because your lawyer found out that Mr. Ramsdell didn't send that notice into the Attorney General early in March. Have I got it right?" Answer: "Yes, you, yup." Attorney Steinfield then referred to his previous testimony. Question: "And then I asked you, question, 'Now you don't know, as I understand it, whatever became of that letter, and your answer was, 'My assumption is it was filed with the Attorney General.' Have I read that correctly?' Answer: "Yes you have." "That wasn't true was it?" Answer: "Well, no, my assumption..." Question: "Well, it wasn't true?" Answer: "No, not if you read 'is', that's right." Now, when confronted with the fact that his testimony was incorrect and untrue, he said that he had said "was" rather than "is" and that the stenographer had transcribed it incorrectly. However, the committee noted that the question was posed in the present tense. "Now, you don't know" and if it had been answered in the past tense, "My assumption was it was filed...", Attorney Steinfield would have certainly asked what his present knowledge was. At any rate, Attorney Steinfield followed up with what I credit him as having the best question of the depositions, a very clear and unambiguous question. He said, "Well, I'm asking what you know." Which did ask for Judge Brock's present knowledge of the letter. Now, I'm going to go to number 2. On May 19<sup>th</sup>, while testifying about the Home Gas v. Strafford Fuel matter, Judge Brock testified that he didn't have copies of certain documents and had not seen those documents since their inclusion in the Judicial Conduct Committee reports some 13 years ago. Attorney Steinfield, in questioning Judge Brock about this matter, asked, Question: "And was there some sort of investigation conducted at the Supreme Court? I'm not asking about the JCC, Mr. Lancaster, pertaining to the Home Gas v. Strafford Fuels matter." Answer: "Yes." Question: "And do you have a recollection of that as you sit here today?" Answer: "I have, you know, a rather vague recollection of it." Later in the discussion of the same matter, Judge Brock stated, "Yeah, and another thing I remember here is when these things occurred I wrote letters to Senator Bartlett and Senator Dupont telling them the appropriate way to go about handling these matters." Question: "Do you have copies of those letters?" Answer: "I don't. They would be part of the report that was filed by the court with the Judicial Conduct Committee." In his deposition the next day, May 24<sup>th</sup>, regarding the same matter, Judge Brock was again asked by Attorney Steinfield, "You testified last time, Mr. Chief Justice, that you were relying on memory. Do you remember it so stated?" Answer: "I remember with respect to certain questions, I was definitely relying on memory." Question: "And that you said you did not have the benefit of having the documents in this 'Home Gas' investigation before you?" Answer: "I did not have the benefit of having them here to look at." Question: "You had, in fact, read them all within a week or so before, before you testified?" Answer: "I read most of them. I had done so, you know, rather quickly and not assimilating details." Question: "You had access to them?" Answer: "I had access to them, yes, sir." Once again Attorney Steinfield asked, "I asked you last time whether you had copies of letters written to Senator Bartlett and to Senator Dupont and you said, 'I don't. They would be a part of the report that was filed by the Court with the JCC.' You had actually seen that report, as you are now testifying in including those letters when you gave that answer, isn't that true?" Now, even though Judge Brock did not directly answer that question, Attorney Steinfield went on to quote for him from his previous testimony and asked, "Now



you had seen those letters as part of the report that you had obtained and reviewed within a week before you gave that testimony. Isn't that right?" Answer: "But I didn't have copies of those." Question: "With you?" Answer: "With me, that's correct." Question: "So that's the distinction that you intended to draw when you gave that testimony?" Answer: "Yup, as a matter, my lawyers had copies of it, but I didn't have copies of those letters with me. That's correct." Question: "Your lawyers had them?" Answer: "I believe so, yes." Now regarding number three, the committee voted in Article II, number two, that there was in fact an ex parte communication with Justice Thayer in the hallway and therefore must, in fact, also conclude that he gave false testimony to that during his deposition. On May 19<sup>th</sup> and 23<sup>rd</sup>, Judge Brock testified that on February 4<sup>th</sup>, 2000, he did not have a conversation in the hallway outside the Supreme Court conference room with Justice Thayer as you heard previously. On June 23<sup>rd</sup>, 2000, Attorney Steinfield asked, "And since you did not go into the corridor to find Justice Thayer, the question of whether you had a conversation in the hallway with Justice Thayer answers itself?" Answer: "That's correct. I had no conversation in the corridor with Justice Thayer." Number four, the committee decided in Article I, part 1, that Judge Brock did, in fact, make the call to Douglas Gray. Part of the reason they had done that is that no less than six judges confirmed and agreed that the call had actually been made, four Supreme Court Justices and Judge Gray and Judge McHugh corroborated also by an attorney and the court stenographer. Therefore, he had testified under oath falsely to the committee in that regard. When he had denied making the call or any knowledge of it 13 years ago, he was not under oath. He was under oath when he testified to that effect with us. While deliberating whether to bring this article of impeachment, I wanted you to know that the committee gave particular weight to a decision written by Judge Brock in 1991 in *re: Astles Case* in which he wrote about the need for maintaining and requiring the highest possible levels of honesty and trustworthiness, he said, "No single transgression reflects more negatively on the legal profession than a lie. As well as being the most fundamental of dishonesties, a lie is the most pernicious." Please support the report of the committee and vote this number III as an Article of impeachment. Thank you.

Speaker Sytek: Would the member yield to questions? Rep. Marjorie Smith, you may inquire.

Rep. Marjorie Smith: Thank you very much, Madam Speaker. Thank you, Representative Woods, for taking my question. Representative Woods, I appreciate your having read from those transcripts. Those are the same sections that I have spent a lot of time reading. I wonder if you could answer a question for me? I know that it was the Attorney General and not the Judiciary Committee which gave Justice Thayer immunity. I wonder if you could tell me if you know what would happen to that immunity if Justice Thayer were subsequently found to have lied in any of his testimony before the Judiciary Committee?

Rep. Phyllis Woods: That is a very good question and, very frankly, Representative, I have no idea.

Rep. Marjorie Smith: Representative Woods, do you have any idea if the same policies would apply here as would apply in other settings in which, if the Justice were found to have lied, he would lose that immunity and thereafter be subject to charges from which he is now protected?

Rep. Phyllis Woods: That sounds very likely that that would be the case to me, but I have no legal background. I'm not a lawyer. I'm sorry, I really can't give you good answers to these questions. Perhaps someone else on the committee could.

Rep. Marjorie Smith: I appreciate your effort. Thank you.

Speaker Sytek: Would the member yield to another question? Rep. Alger, you may inquire.

Rep. Alger: Thank you, Madam Speaker. Thank you, Representative. There has been quite a discussion today about the need for compassion and that these judges, in particular Brock and others have suffered enough and, therefore, we should perhaps forgive this and yet I heard you speak and deliberate in the committee when you were voting on the issue of compassion versus about duty, and could you tell us a little about how you came out that duty was the important thing to resolve at this point in this particular hearing? Thank you.

Rep. Phyllis Woods: I think what you might be referring to, Representative, is in response to the committee valuing or showing value to one of the justices preponderance to be compassionate and sensitive, that we should value that. I think I just drew the analogy that the twin virtue to compassion was courage. I don't think that there was anyone sitting on that committee that did not feel compassion for the justices and still do today for what they have been through and what they are going through. However, we had been admonished to look at the facts and to bring facts before the House and to bring them with our votes, so I don't think that I'm saying that there is not a place for compassion but I'm saying it's not at this stage of our investigation.

Rep. Alger: So, in other words, you are saying, I believe, it became, really in a sense, your duty to report the facts as you found them and be compassionate in the process.

Rep. Phyllis Woods: That is what we have tried to do.

Rep. Solow: Thank you, Madam Speaker and thank you once again, Representatives. Again, I appreciate very much your tolerance in allowing the same voice and the same face to come before you so many times. I'll be brief because much of what I have to say to you I have said or has been said earlier today by Representatives Dokmo, Rowe and Withee. It is obvious that it has not been persuasive. I do want to say, again being a person who's particular about what is done, that we need to read the words and what this article says is that the Chief did knowingly testify falsely under oath with the intention of hindering the HB 50 investigation. Although he said at one point that he didn't have the documents, there is no way that you can prove, even with a preponderance of evidence, that he was intending to hinder the investigation. Let me tell you a little bit about how I come to that conclusion. I don't know how many of you have ever been deposed. I had one experience with it myself. I was a plaintiff in a case and I was deposed by an attorney who had an approach that was very harsh and was asking a lot of questions that I thought were totally inappropriate, about my personal background, which didn't relate at all to the item at hand, and I consulted with my attorney and said, "Do I have to answer those questions?" And he said, "You are under oath. You have to answer every question that's put to you to the best of your ability...(tape change)... that is presented to you and no more." And I put it to you that that is exactly the kind of advice that Chief Brock got from his attorney. I would be surprised to learn if it were otherwise and that when he was asked did he have a document with him, he didn't have it with him and so he answered, "No." When he was asked about this letter announcing the threats by Thayer, he was asked whether that had been sent or delivered to the Attorney General, he said, "I assumed it was or it is my assumption that it was." The reason he said it was his assumption is that Justice Brockerick had also been implicated in that letter about the threats and the letter had gone to Justice Broderick's attorney, Mr. Tober, and was going to be moved from Mr. Tober's office to the Attorney General's office and for whatever reason, that's not relevant to this, it didn't get there but when it left Justice Brock it was headed for the Attorney General's office. So, for him to say that it was his assumption that it had gotten there was not a false statement intended to hinder the investigation. I hope you can believe that, I can believe that. If you've been watching and following the Judiciary Committee's adventures, you will know that the question of perjury as we were discussing it was the one that bothered me the most. As I testified to you earlier this afternoon, when I reported in my own notes to myself, my impression of Justice Broderick, excuse me, Justice Brock, I felt that he was evasive. Evasion is not lying. Failure to tell a complete answer is not lying. This article says "knowingly," "intending to hinder" that he "testified falsely." I put it to you that he did none of those with respect to that letter which eventually was discovered in his lawyer's briefcase, apparently, even though he had thought it had gone onto the Attorney General's office. With regard to the documents on the Home Gas case, that was a case that had been sent to the JCC. We've talked here a lot or maybe not enough, about secrecy of the JCC and the fact that it is very difficult to find out what goes on in that body. Well, believe it or not, the Chief Justice and his attorney had as much difficulty getting documents from the JCC as our own counsel, Joseph Steinfield. When he said he didn't have the documents, if you look at the testimony of the deposition, you'll see that it was in somewhat of a badgering situation where Mr. Steinfield was questioning him, not allowing him to complete his answers but interrupting him and putting him on edge. At this point, Chief Justice Brock probably felt threatened. At this point, I'm sure he felt he was a target of the investigation rather than thinking it was Justice Thayer and he was being defensive which he had every right to be, but that doesn't mean he was testifying untruthfully. It means he was doing the best he could, relying on his memory and not trying to hinder the investigation and testifying falsely. In the February 4<sup>th</sup> hallway conversation, we've discussed that at some length with regard to the previous article, if you believe that he went out in the corridor and talked to Justice Thayer, you can believe anything. You can believe anything could have happened in that conversation because you don't know what happened in that conversation. He has said, under oath, that he did not leave the conference room to talk to Justice Thayer, that when he talked to Justice Thayer it was later in the day, in the Clerk's corridor, not in the conference corridor and that what he had to say was to scold Justice Thayer for his outburst in the meeting. For item number four, Justice Broderick, excuse me, Justice Brock ... I'm sorry, Representatives, it's been a long day, I'm trying very hard to be sure you

understand what the facts are and it's hard sometimes to keep these straight, but I want very much to keep them straight because it is important that you keep them straight because that is how you're going to make your judgment. Justice Brock said several times in his deposition and in the public testimony, that he did not make the call, therefore, there is no reason, well I guess that is the extent of what is being asked of you to adopt here. I feel as if I am pushing that snowball up the hill and it's melting rapidly as we all are. I just remember that if you vote in favor of this Article, you must believe that David Brock did knowingly, purposefully testify falsely, with the intent of hindering the investigation. If you doubt anyone of those elements you probably should vote no. Thank you. Speaker Sytek: Would the member yield to questions? Rep. Zolla, you may inquire.

Rep. Zolla: Thank you, Madam Speaker and thank you, Representative. Representative, during the testimony on items one and two, of Chief Justice Brock, from previous testimony on the transcript, he sounded like he was a little confused. Can you tell me how long he had been under questioning when these questions were being put to him aggressively?

Rep. Solow: Thank you for the question, Representative. I can't tell you exactly because I am not going to rely on my memory. I do know that he testified more than any other person over several days, I believe it was two and a half days, and then had his presentation to the public or whoever was there when he came in to publicly testify to the committee. Have I answered your question?

Rep. Zolla: I believe so, thank you. With respect to item four, I'm a little confused about the telephone call. We know there was a telephone call. We know that Gray says that he was called. I'm not sure that I heard Gray say or the other justices say that Justice Brock personally called Gray or did he receive the call from the Clerk of Court who Brock says he called. Is that testimony clear in your mind anywhere in this?

Rep. Solow: Not only, Representative, is it not clear in my mind, it is not clear in the documents, in the transcript of the depositions. There is conflicting testimony on this point. Judge Brock says he did not call Judge Gray, that he called the Clerk of Court. There is some question about whom to believe because Judge Gray was not asked about it until two years later and Judge McHugh was reporting only what Judge Gray had told him. Judge McHugh's testimony relates to a period of time when he was in the Rochester Court during time when he was rotating through and there is a question about whether the call that he says was made during that time corresponds with the testimony of Judge Gray who thinks it took place at a different time. So, there is conflicting testimony on that point.

Rep. DePecol: Thank you, Madam Speaker and members of the House. This article is the one that has troubled me the most throughout the whole procedure, the thought that a Supreme Court Justice would come in front of the Judiciary Committee and lie to us. We can sugarcoat this anyway you want. The truth is that when asked a direct question, he gave an answer that was false. When caught on it the next day, he recanted and admitted that he made false statements. Statements were he testified that he did not know whether or not a March 3<sup>rd</sup>, 2000 letter from his attorney had been sent to the Attorney General's office. He knew. He knew it had not been sent. The question was, did he have evidence, did he have a document in his possession relating to the *Home Gas* investigation? "No I don't," when, in fact, yes he did. Maybe not technically, yes, he did, but his attorney sitting next to him had it and he knew that his attorney had it. I don't know about you, but it kind of, no, it does make me outraged, that we are considering whether or not this level of conduct is okay for a Supreme Court Justice of the State of New Hampshire. The Supreme Court Justices of the State of New Hampshire, or any other place, ought be the highest level of integrity, ought not to fudge their answers in front of a legally, a legal investigation, ought to tell the truth, the whole truth. This man didn't do it. I don't care what you think about all the other articles. This is perjury, to you, we represented you in this investigation. Chief Justice Brock lied to you and I think that is substantial grounds for impeachment. Thank you, Madam Speaker.

Rep. Ford: Madam Speaker and members of the House, I cannot vote for impeachment. I cannot condemn Justice Brock for unwisely saying words that gave Mr. Thayer the opportunity to do wrong. I cannot condemn a hallway conversation that we do not even know whether or not it took place. The *Home Gas* case was a mess from the beginning for which we have contradictory testimony and differing memories of what happened 11 years ago. I do not mean to trivialize what we have learned. There have been shortcomings and some steps like the new recusal rules are the beginning of a happier time. But impeachment is about high crimes and misdemeanors, treason and efforts to overthrow the government. It is the crime against the very being of our state and this is not it. I



hated the impeachment of President Clinton because I found no high crime or treason. That high bar, treason against the state, was trivialized and demeaned. It will be easier from now on to use impeachment of the President as a tool for a powerful majority in congress to use against the executive and our nation will see unhappy results from it. I have hated this impeachment for the same reason. I have read every deposition, studied each exhibit. We have had the most thorough investigation ever in the State of New Hampshire by the finest team imaginable headed by Attorney Steinfield. We have run a fine-toothed comb through the Supreme Court. We have found three instances in 22 years that Justice Brock may have made mistakes. I wish that each of us in our working lives could find only three mistakes in 22 years. If you watched or listened on public TV or radio to our deliberations, that long, long day last week, you will know that we started out with a draft of five articles of impeachment with 14 separate listings. There are now three articles and eight listings remaining. What started out as the focal part of the investigation, the recusal policy, was found in the case of all three judges to not rise to the level of an impeachable offense. Through 10 or more justices, of all the years, not one had singled out the recusal policy as dangerous. Are we to impeach all of these men or are we suggesting that one or maybe three are to be held responsible? The policy, while open to the perception of abuse, had never, ever been abused until the Feld's case in 1999 and this year's attempt by Justice Thayer to compromise his divorce panel. The Home Gas case, as I said earlier, was a mess from the start. It was only a small part of a larger problem, a problem which I experienced years ago in other sessions and again this year. The legislature and the judiciary do not understand each other. In 1987, there was a clash of the giants. Perhaps the most powerful Senator in years, Senator Bartlett, and the newly installed Chief Justice, David Brock, each have testified that their battles were legendary over the budget, over judicial pay raises, over the policy of the Judicial Conduct Committee, over the independence of the Court, over the unified court. It was a battle that neither side won. Into this was woven *Home Gas* with misjudgments and errors on both sides. The case was over 11 years ago, far beyond any statute of limitations and the testimony we have heard is conflicting, full of "I have no memory of that; I can't remember what date that may have been." The bad taste lingers on, but 11 years ago four sitting justices, Justices Souter, Batchelder, Thayer and Johnson found upon investigation that Justice Brock had done nothing to affect the outcome of the case. Perhaps there is a silver lining to this cloud. Never again will there be any conversation about individual legal cases between the two branches. All one need do is say *Home Gas* to the other and silence will ensue. Article II is a great puzzle to me. I think it is a stretch to think that an ex parte conversation with five different people there together in a conference room between conferences, but I am not a lawyer. But this I know. Justice Broderick and Justice Brock have testified that there was no hallway conversation, that Justice Brock did not leave the room. Attorney Fox and Justice Thayer say that Justice Brock left the room, but no one has testified that they saw them together and no one knows besides the two of them what was in any alleged conversation. May I suggest looking for motives. Justice Brock had none, but Justice Thayer is the person who had threatened to bring the Court down, to take everyone with him and what better way to do it than to say that Justice Brock had asked him if he liked Judge O'Neil for his divorce case. There is a terrible irony in this. Article II, 2 says flatly that the hallway conversation did occur, taking Justice Thayer's word against Justice Brock. The person who will benefit from the Court's downfall is believed and this is wrong. There is no clear and convincing evidence that there ever was a hallway conversation. Article III is also beyond me. I do not know the laws about testifying falsely and how to prove it. How can you get inside a mind to prove with clear and convincing evidence what someone was thinking? Justice Brock endured, by my quick reckoning, six days of intensive questioning, one-on-one, for as many as nine and one-half hours one day, approximately 1,624 pages of testimony resulting in about 284,000 words. Could any of us have done such a thing without making errors? I think not. I do know this. Nothing in God's world would hinder the investigation. Attorney Steinfield and his team could ferret out any evidence they needed to pursue anything they wished to know. They are exceedingly wonderful in obtaining evidence. There is no clear and convincing evidence that number 3 ever happened and number 4 is a repeat of what was explained in Article I. But, as I said, I am not a lawyer, although I wish I were one. My field was history and history has lessons. Yes, we have found mistakes and misjudgments and sad relationships between our legislative and judicial branches, but I find no evidence of treason, no evidence of repeated corrosive corruption, no hints of money changing hands, no gross injury to the state and maladministration, as we have been told, is on that same level. It is far, far above



the bounds of what we have seen here. We, of the minority, are convinced that we must keep the bar for impeachment high, very high, to offenses that are seen as equal to bribery and corruption and sedition. If we do not, our judicial system will melt into turmoil. I give you a recent example: 1999, a bill of address. No one, I mean almost no one, in this legislature had ever heard of a bill of address before 1999. Now we talk about how many of bills of address we will have for the next session. In one year the monster has grown. With the first impeachment, we open the door for more. Each will take up the same time and effort and heart wrenching agony that this one has, again and again. I cannot vote to impeach Justice Brock. I do not want future historians to just say that we should be ashamed of our actions. I only know that I am clear that these allegations do not rise anywhere near the equivalent of bribery, corruption and treachery to our State of New Hampshire. Here I stand. I can do no other. Thank you, Madam Speaker.

Speaker Sytek: Would the member yield to a question? Rep. Phyllis Woods, you may inquire.

Rep. Phyllis Woods: Thank you to my colleague for taking my question. Rep. Ford, I wanted to ask you about your reference that you've made on a couple of occasions now about the importance of not setting the bar too low for impeachment. In regards to that, I believe that if there is mistrust in the public of the judicial branch of our government, that by our actions in the legislature we are serving to buildup people's trust in government; that, in fact, in our constitution we have a remarkable set of checks and balances to make sure that we will snap to attention and take action quite quickly if there are problems. My question to you regarding the bar, therefore, is this: the bar, I believe in the Constitution for impeachment, is really exactly where it was when the founders of the constitution wrote it and, in fact, it has not been abused or changed any time within the last 210 years, and I don't believe we are abusing it now. So, I'd like to ask you if you would agree that the bar is where the bar is, and that it would not be in the best interest of the public, at this point, for us to raise the bar, thereby saying that we would tolerate an increased or larger level of misconduct, maladministration and so forth?

Rep. Ford: Thank you for that long question. To me, the bar for impeachment is something that will harm forever the state, like repeated corruption, like bribery, influencing the judiciary to a point that all justice comes down. I think it is so high that it should be equated, and it is in our constitution of the United States, to treason. I see none of that there. I believe that through the legislature, through this House, we can make changes in the judiciary system and good changes, but I do not feel we should take one man and impeach him at a level lower than that equal to treason to the state.

Rep Mock: Thank you, Madam Speaker. Members of the House, thank you for listening to my Yankee twang almost one last time. Keep this in mind again. Two out of four of these items listed in Article III, number one and number two, took place right in front of the committee. We don't have to guess about those. Those took place right there. Three and four follow Articles I and II which you have already approved. We admit that it is very difficult to prove a state of mind and, in this case, knowingly. But we deserve to have the chance of having a trial on these items in the Senate. I hope you will vote with the committee and press the green button.

Rep Mock requested a roll call; sufficiently seconded.

The question being the adoption of Article III of House Resolution No. 51.

## YEAS 242 NAYS 112

### YEAS 242

#### BELKNAP

Bartlett, Gordon  
Rice, Thomas  
Thomas, John

Boyce, Robert  
Rosen, Ralph  
Turner, Robert

Johnson, James  
Russell, David  
Wendelboe, Francine

Lawton, David  
Salatiello, Thomas  
Wood, Jane

#### CARROLL

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

#### CHESHIRE

Avery, Stephen  
Lerandeau, Alfred  
Pratt, John  
Royce, H Charles

Blaisdell, Michael  
Manning, Joseph  
Richardson, Barbara  
Smith, Edwin

DePecol, Benjamin  
McGuirk, Paul  
Roberts, William  
Zerba, Roger

Hunt, John  
Mitchell, McKim  
Rose, William

**COOS**

Davis, Perley  
Mears, Edgar

Gallus, John  
Pratt, Leighton

Horton, Lynn  
Tholl, John Jr

Landers, Dana  
Woodward, David

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Harmon, Hobart  
Mirski, Paul  
Scanlan, David

Alger, John  
Gilman, G Michael  
Hinman, Harry  
Nordgren, Sharon  
Ward, Brien

Brothers, Richard  
Hall, David  
MacNeil, Allen  
Phinney, William  
Weber, Phil

Cobb, John  
Ham, Bonnie  
Marshall, Gene  
Picconi, Al

**HILLSBOROUGH**

Alukonis, David  
Batula, Peter  
Brundige, Robert  
Calawa, Leon Jr  
Clegg, Robert Jr  
Coughlin, Pamela  
Desrosiers, William  
Fenton, James  
Foster, Linda  
Goley, Jeffrey  
Herman, Keith  
Jean, Claudette  
L'Heureux, Robert  
Leonard, Peter  
McCarthy, William  
McGough, Tim  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sarette, John  
Vaillancourt, Steve

Arnold, Thomas Jr  
Beaupre, Roland  
Bruno, Pierre  
Carlson, Donald  
Clemons, Jane  
Craig, James  
Drabinowicz, A Theresa  
Fields, Dennis  
Franks, Suzan  
Gorman, Mary  
Herman, Richard  
Jean, Loren  
LaPorte, George  
Lozeau, Donnalee  
McCarty, Winston  
McRae, Karen  
Moran, Edward  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell

Arthur, Rose  
Belvin, William  
Buckley, Raymond  
Chabot, Robert  
Cote, David  
Dawe, Eileen  
Dyer, Merton  
Fletcher, Richard  
Gagnon, Eugene  
Goulet, Maurice  
Holley, Sylvia  
Keye, Harvey  
LaRose, Richard  
Martel, Andre  
McColgan, Philip Jr  
Mendenhall, Leslie  
Moriarty, Mary  
O'Hearn, Jane  
Reeves, Sandra  
Tate, Joan

Baroody, Benjamin  
Bergeron, Lucien  
Burkush, James  
Christiansen, Lars  
Cote, Peter  
Desmarais, Vivian  
Emerton, Lawrence  
Flora, Kathleen  
Ginsburg, Ruth  
Haley, Robert  
Huneler, Bruce  
Kurk, Neal  
Lefebvre, Roland  
Martin, Mary Ellen  
McDonald, James Sr  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Rowe, Robert  
Thulander, O Alan

**MERRIMACK**

Anderson, Eric  
Jacobson, Alf  
Leber, William  
Soltani, Tony

Brewster, Richard  
Langer, Ray  
Marple, Richard  
St Cyr, Gerard

Chase, George  
Larrabee, David Sr  
Nichols, Avis  
Virtue, Carolyn

Hess, David  
Lavoie, Gerard  
Poulin, Dave  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Bridle, Russell  
Cox, Russell  
Dunham, Vivian  
Flanders, John Sr  
Hamel, Albert  
Katsakiores, Phyllis  
Langley, Jane  
Major, Norman  
Nowe, Ronald  
Packard, Sherman  
Putnam, Ed II  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

Beaulieu, Jon  
Carson, Gregory  
Dalrymple, Janeen  
Fesh, Robert  
Gleason, John  
Henderson, Warren  
Kelley, Jane  
Langone, John  
McKinney, Betsy  
Noyes, Richard  
Pantelakos, Laura  
Rabideau, Marie  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

Belanger, Ronald  
Christie, Andrew Jr  
Dearborn, Bruce  
Flanagan, Natalie  
Grant, Kenneth  
Hutchinson, Karen  
Kelley, William  
Letourneau, Robert  
Moore, Benjamin  
O'Keefe, Patricia  
Pitts, Jacqueline  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett

Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Flanders, David  
Griffin, Mary  
Katsakiores, George  
Kobel, Rudolph  
Lovejoy, Marian  
Nowe, Mary Lou  
O'Neil, Michael  
Priestley, Anne  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

**STRAFFORD**

Brennan, William	Brown, George	Cossette, Larry	DeChane, Marlene
Gilmore, Gary	Heon, Richard	Kaen, Naida	Knowles, William
Lundborn, Raymond	McKinley, Robert	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Taylor, Kathleen	Wall, Janet	Woods, Phyllis

**SULLIVAN**

Cloutier, John	Flint, Gordon Sr	Jones, Constance	Kibbey, David
Robb-Theroux, Amy			

**NAYS 112****BELKNAP**

Holbrook, Robert	Millham, Alida	Pilliod, James
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**CARROLL**

None

**CHESHIRE**

Batchelder, Robert	Burnham, Daniel	Lynch, Margaret	Lynott, Margaret
Meador, David	Pratt, Irene	Riley, William	Robertson, Timothy

**COOS**

Guay, Lawrence	Rodrigue, Robert
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**GRAFTON**

Almy, Susan	Copenhaver, Marion	Eaton, Stephanie	Guest, Robert
Johnson, Gary	Solow, Martha		

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Daigle, Robert	Dokmo, Cynthia
Dwyer, Paul Sr	Ford, Nancy	Garrish, Linda	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Johnson, Lionel	Lasky, Bette
Leishman, Peter	Lynde, Harold	MacGillivray, Jeffrey	McDonough-Wallace, Alice
Melcher, Harold	Messier, Irene	Murphy, Robert	Reidy, Frank
Simon, Anthony	White, John	Withee, Dennis	

**MERRIMACK**

Asplund, Bronwyn	Bouchard, Candace	Crosby, Toni	Daneault, Gabriel
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Kennedy, Richard	Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Dowling, Patricia	Downing, Michael	Francoeur, Sheila
Gibbons, Paul	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Morse, Charles	Norelli, Terie	Reardon, Neil	Sabella, Norma
Sapareto, Frank	Shultis, Elizabeth	Splaine, James	Stritch, C Donald
Weatherspoon, Jackie	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	Callaghan, Frank
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Johnson, Nancy
Keans, Sandra	Lent, Donald	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Snyder, Clair	Torr, Franklin	Twardus, Joseph
Vachon, Dennis	Vincent, Francis		

## SULLIVAN

Allison, David  
Tuthill, John

Donovan, Thomas Jr  
Wiggins, Celestine

Leone, Richard  
Young, David

Phinizy, James

and Article III was adopted.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

Rep. Jacobson offered a floor amendment.

**Floor Amendment (4796h)**

Amend the resolution by inserting the following:

**ARTICLE OF IMPEACHMENT**

During the period beginning with his appointment as chief justice, on or about October 4, 1986, and continuing until on or about April 1, 2000, chief justice Brock engaged in conduct that constituted the impeachable offense of maladministration by permitting and overseeing a practice whereby recused and disqualified justices were permitted to receive draft opinions and to attend case conferences, thereby enabling them to comment on and influence opinions in the cases from which they were recused and disqualified.

**DEBATE ON FLOOR AMENDMENT**

Rep. Jacobson: Thank you, Madam Speaker. You and I have been participating in an historic process that is both sad and difficult for all of us. At our house, the family room is buried in paper from the time that I have spent. You know, Sonja and I made a compact long ago: if I got too irascible she would take me over to the Old Soldiers Home and leave me off. Right now, I think she is considering an amendment because of the chaos of paper that has, in fact, accumulated. Now, I have not tried to influence any member of this House on any of these votes. I believe it is your responsibility and it is my responsibility. If there is one surprise in this process, it is the failure of the recusal amendment that you have before you. There is a very special reason why that happened, but I'm not going to get into it because it belongs to the people who voted against. What I have done is I have reviewed the testimony via the video tape last night to see just what was said with respect to this proposed amendment to House Resolution 51. I found, for example, that there were persons who said that Chief Justice Brock came to the court and he inherited the practice. In actual fact, there are cases that have been before the court in which recusal was the issue. I was involved in one of those and that was the recusal of Governor Meldrim Thompson in his effort to get rid of the Director of Probation. And you know, in that 1976 decision, you know what it says? That Meldrim Thompson be recused from all proceedings that related to that trial. So, it was known what an effective recusal was. Similarly, there are any number of cases with local boards in which, if a member of that board had a conflict of interest he had to recuse himself from it. Another argument that was put forward was that it was wrong but everybody did it. Well, if you follow out the logic of that argument, we're in real trouble. Again, it was even likened to saying that the federal government is guilty in the Oklahoma bombing case. Now, I haven't been able to comprehend the rationale behind that yet. Even today it was said, for example, there are no victims. How do we know that? No proof was offered for that. One of the things that I believe in strongly is documentation. If you can't document it, the generalizations are unimportant. In that little school in Cambridge, I had an old professor, Arthur Darby Knock, and one thing he taught me that has stayed with me, if you are going to make a statement, document it. That is what I find lacking in many of the rationales that were offered against it. You may well have heard recently that some further documents were found. They were actually drafts of opinions and it is most unfortunate that those documents did not come to the Judiciary Committee in time so that we could include them in the deliberations. What I did was, I went back and looked at the opinions that were actually published and then I looked at the drafts. These happen to be drafts by Justice Broderick and there is considerable commentary. He was arguing in the deliberations that we had that he was the grammarian, but when I look at those documents and his notes, and compare them with the final product, there were changes. There were changes in words, there were changes in sentences, and he was recused at the time. I took a look at the total picture in 1998 and I found that in the cases that came before the Supreme Court there were 36 incidents of "did not sit" and then there were eight incidents of "did not participate." As far as I've been able to find, "did not sit" still meant that you participated and that, I think, in many ways is the heart of the matter. Because if you are recused, you should



not participate. For me, as I just said, recusal is the heart of the matter. It is true that the court has now recognized it and changed its policy but I am quite certain that that does not necessarily excuse the practice that has gone on for the last 20 years. Somebody said it had been going on for 50 years, but nobody documented. I went back to 1950 to discover that, at that time, they had 15 incidents of recusal; but ever since that time, recusal has grown and of course there are no drafts to look at to see whether they did participate. I believe that if this amendment fails that we will be setting a very bad precedent for the future. I think it is important to remember that we are only sending a recommendation and Chief Justice Brock will have every opportunity to defend himself, to cross examine the witnesses so that he will then have that chance to acquit himself from whatever charges have been made. Finally, I want to say, Part I, Article 35 of the Constitution of New Hampshire that has been in effect since 1784 says something very important. It says that the justices shall impartially interpret the laws and administer justice and whenever that falls short our people, our citizens, whoever they may be, will suffer. Therefore, I urge you to support this proposed amendment to the articles of the bill of impeachment. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Avery, you may inquire.

Rep. Avery: Thank you, Madam Speaker and thank you, Representative Jacobson. Is it your intent that your amendment would supplant the three articles that we have voted on or is this in addition?

Rep. Jacobson: This is in addition to and it relates to one question, to the recusal question.

Speaker Sytek: Would the member yield to another question? Rep. Vaughn, you may inquire.

Rep. Vaughn: Thank you very much, indeed, Madam Speaker. The honorable member from New London, in reviewing the interim report of the special counsel, I see, would you give me by way of summation for our honored colleagues, how many states have recusal and also forbid decisions to be distributed among the court members? Perhaps I can jog your memory. It was somewhere between 25 and 45, or maybe you know.

Rep. Jacobson: I don't recall the exact number...(tape change)...oddly enough, a jurist from West Virginia came to my little book shop this weekend and he expressed to me astonishment that we did have such a lax recusal policy because again, the issue is if you are recused, you do not participate.

Rep. Vaughn: What amazed me in listening to the testimony was the fact that I understood that some of the recused judges actually wrote the decision. Was that the case? In fact, the answer to the other question was 25 states have the justices recused and can't see the decisions.

Rep. Jacobson: The question of a recused justice writing an opinion is known often times as a per curium opinion in which his name does appear on the opinion. However, according to the justices, the justices who were not recused agree with the way that he wrote the opinion.

Speaker Sytek: Would the member yield to another question? Rep. Wendelboe, you may inquire.

Rep. Wendelboe: Representative Jacobson, there has been a lot of comment made about the opportunity for the justices in conference to comment on cases they were recused from. But is there not also the opportunity when a justice is recused and gets a copy of the opinion in advance that there is the opportunity that that justice could either on purpose or inadvertently tip off the party that they had a conflict of interest because of their relationship with that party, that there could be cases, and I understand that Justice Brock testified that half of all cases that go to oral arguments never come out in opinion, that the potential exists that some of those cases might have gone away because some of the interested parties might have been tipped? The opportunity exists that people could think that that might have happened. Would you not agree?

Rep. Jacobson: Yes, as I understand it, the draft opinions were circulated to both recused justices and those that were not.

Speaker Sytek: Would the member yield to another question? Rep. Gilmore, you may inquire.

Rep. Gilmore: Thank you, Madam Speaker. Everything that was spoken of today I'm fairly familiar with. The only thing that has come up that caught me a little bit by surprise is what you raise in number two of Article IV, and as you spoke earlier you said you believe in providing some documentation towards what you are saying and it has to do with the per curium opinions and also in the justices sitting. Could you just give us some background on that?

Rep. Jacobson: It is difficult for me to answer that question at the moment because I have been concentrating on one item.

Rep. John Pratt: Thank you, Madam Speaker. Those of us, no, I speak for myself. I voted against this amendment in committee and did so for one major reason. The reason was not because there wasn't a problem. There is a problem. The reason was because, in my judgment, this wasn't an

impeachable offense against the Chief Justice. You had a systemic court-wide problem everybody in the court had been doing. The Chief Justice inherited a court that had been doing it. No one raised the issue of should we do it differently? And it was my judgment that if we are going to impeach a Chief Justice, we should impeach him for acts which were intentional, knowing, and of some motive other than pure. I just did not think this rose to an impeachable offense. The offenses were there. That's not the issue.

Rep. Loren Jean: Good afternoon. Before I start on this article, I would just like to clear the record on the prefix "mal". Now, we've heard corruption, bribery, treason, everything attributed to "mal" anything, maladministration, malpractice and I went and looked it up in the Secretary of State's Office. It means in the French, bad, in the Latin, badly, inadequate. Malodorous, malpractice were two of the uses in the definition which are quite appropriate, I would say. Now, on the recusal policy, I couldn't agree more with Representative Jacobson. We have heard phrases, on this floor this morning even, well, we had a bad ball policy in place. Yesterday in committee, no harm was done and that we always did it that way. That no harm was done, I simply, absolutely can not agree. They have always done it that way because, according to the court, while they didn't have a policy and after all everybody did it and they have been doing that since Hector was a pup, obviously, and we had one member of our committee liken them somewhat to a Rockwellian atmosphere that you didn't really need rules because they were all honorable men, therefore, you didn't have to write anything in stone. Well, this is neither Mayberry or Stockbridge, Mass. This is the state of New Hampshire and I think we should hold our justices to a little bit higher standard. Now this whole thing is on the recusal policy. The recusal policy should be well known to every attorney and to every judge in the state of New Hampshire. When I researched a recusal policy a year or two ago, the first thing that came up, and I got it in research in about two minutes, and that was Alabama v. Lavoie and I think all the attorneys in here are familiar with Alabama v. Lavoie. It is a U.S. Supreme Court decision that absolutely negates the entire opinion if one of the justices is disqualified. Now, Representative Jacobson said that we have documentation and, indeed, we do. One is Winslow v. Holderness Planning Board, and this is the court speaking. This brings us to the principal question raised in this appeal, whether the master erred in applying to this case the rule that "judicial action by a tribunal one of whose members is disqualified to act is voidable if the disqualified member participates therein..." Well, that is pretty plain English and the defendants argument that bias of a single board member should not void the board's decision unless his participation produced the decision. They said, "no". And what did they do? They referred to, and I will get it shortly, Rollins v. Connor, and in Rollins v. Connor, this is our Supreme Court, held that mere participation by one disqualified member of a tribunal was sufficient to invalidate the tribunal's decision because it was impossible to estimate the influence one member might have on his associate. Now, what do we do here? What am I doing here? What I am doing is trying to influence you in the wisdom of my point of view. We all do it. That's what we do. Every time we speak in committee, speak on this floor, in subcommittee, whether it is a word, a gesture or a soliloquy we are all focused in one direction and that is trying to make your point the dominant point of view. We have heard that, well, it's only a sentence, I mean a period, a comma. It's grammar. It's stylistic. Well, I questioned sharply on this issue and here is what I got. You have the justices opinion, it goes to his law clerk, it goes to a second law clerk then it goes to a fellow named Peck who is described as being the most intellectual biped on the planet and then it goes to the court's Mrs. McKenzie. Now, anybody that has been watching this knows Mrs. McKenzie's background and that is the one that really corrects the grammar and the stylistics and the punctuation, etc. Then it goes to the justices in the conference committee, case conference or whatever and if there is, now, we've already got five people, now if there is one recused member on that board, the other four participate and now we have nine, is there any need for that tenth? I seriously doubt there is. Now, being legislators, has anybody in here ever, ever filed a bill, fought for it, all the way to the Governor's signature with the back of his mind always saying this will not apply to me? I doubt it very, very much. However, apparently our Supreme Court holds that opinion. I can only interpret what they have done as setting a higher standard and we are talking about high standards here, we have seen this, heard this all afternoon, setting a bar. Apparently, our Supreme Court has set a bar way up here for your planning board, your zoning board, your quasi-judicial agencies, etc., etc., but they walk under the bar. Therefore, I certainly hope that you would find favor with this article of impeachment and vote yes. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Keans, you may inquire.

Rep. Keans: Thank you, Madam Speaker. Representative Jean, was this amendment offered in committee? I think it was and would you tell us what the vote was please?

Rep. Loren Jean: We all know this failed in committee.

Rep. Keans: Would you tell us the vote, please?

Rep. Loren Jean: The vote was 13 to 9. However, I might add, since that vote, you never know whose hot buttons are going to be pushed by any one issue. When I went to the picnic in Loudon the other day, and I graciously accept your well-dones for myself and the committee, but one common theme was hey, what happened with the recusal? That was a very common theme, I might add, and in talking to an awful lot of you people here today, it still is.

Rep. Pinino: Madam Chairman, ladies and gentlemen, I rise in support of the Jacobson amendment. I'll just give you a few comments. I won't take up much of your time because it is getting late. It seems as though every time there was a problem with our court system, they fixed it. Change a policy, change a rule, all their problems go away. You must remember that every time they write a rule, for example, Article 73-a of our constitution says this rule is law, even though it might invalidate a state statute. This was the reasoning some members of the committee used during the hearings. Yet, they did these things. They said they were wrong. They said they were mistakes, but they fixed it again and they would never do these things again. I've been here for 12 years, I've been hearing that for 12 years. State statutes were disregarded, court rules and state statutes were ignored. These are listed in your calendar. I also believe that five or more words in our constitution were disregarded: good behavior, high principals, maladministration. They picked up open and accessible, accountable and that last again, their rule that has the force and effect of law, 73-a. I believe when you appoint a Chief Justice, he is the CEO of that branch of government. He is in charge. He sets policies. He makes rules and whatever is wrong with the system he is expected to correct it in the private sector. These things didn't happen. That's maladministration. Like one justice said, the court has appointed, the court has operated on past practices and procedures, you'll have to forgive me just wrote, just scribbled it all out in pencil so it is all over the place here, like one of our justices said, the court has operated on past practices and procedures but nobody knows how far back these past practices and procedures go. But, we do know the code of official conduct was adopted in 1973. That is in our calendar. The judges acted like this rule never existed. The main issues that are not in three articles are perjury and recusal. One member of the committee said the recusal policy was 60 years old, but never documented. The Chief Justice inherited this and if the policy was wrong it should have been changed. The article contained perjury or testified to falsely, even though Attorney Steinfield told the committee perjury has to be included otherwise a less serious offense could be a bill of address. But the legal minds on the committee disagreed with that. One of the most best comments that I heard, and I taped 15 tapes of Channel 11, was by Representative Rowe. This is what he said. He said, "If local planning boards conducted themselves like the Supreme Court, they would be hung." In the three articles that were being discussed, Chairman Mock said it all. "You keep chewing this, there'll be nothing left." Another quote by Chairman Mock, "Just about everything you want to turn over to the JCC, let's turn over everything and we'll all go home." Chairman Mock again, in case you people didn't see it on Channel 11, "One issue that is broken down in the Supreme Court is recusal. They do not recuse themselves. The good old boys go in the back room and settle things. Any judge should have said, "What are you doing?" sat but did not participate, participate but did not sit. This is wrong and people are looking to us to straighten this out." These are the Chairman's quotes as the committee was discussing the language in one of these three articles, I agree with him 100 percent. Thank you.

Rep. Mock: Madam Speaker, thank you. Thank you for listening to me one more time. Of all the articles that you may hear today, the one that your constituents back home know about is this one. They know why you are here today. You are here because they heard about judges who were recused sitting on cases and most of them, many of them, who sit on planning boards, school boards, boards of selectmen, know how very, very strict the Supreme Court has been about recused officials sitting on cases. I'll give you Article 35 of the Constitution. It says, "It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well." Isn't it interesting that they put behavior in there with the recusal issue? I find that rather interesting. Then there is a court case, and any of you who may live in the town of Holderness, planning board, Eugene Winslow versus the Town



of Holderness, and this is what the court declared. They said, "Where a member of the planning board had prejudged the facts of a particular case before joining the board, this prejudgment constituted a cause for disqualification from the quasi-judicial function of the planning board in the case." The Supreme Court held in Rollins v. Connor, 1908, that mere participation by one disqualified member of a tribunal was sufficient to invalidate the tribunal's decision because it was impossible to estimate the influence of one member, that one member, might have on his associates. Enough said. It was wrong and I give them credit. They have changed it, and it should have been changed. We have no way of knowing how many people were hurt or how many people were helped by this decision and, unfortunately, like the Chief Justice said, "The buck stops here." Thank you. Rep. Bergin: Thank you, Madam Speaker. I rise in opposition of this article and I'll tell you why. There has been much discussion on recusal. Attorney Steinfield, when he deposed a number of witnesses, including the judges, the question was asked about recusal. We know more about recusal now in the Supreme Court than we have ever known and we know for sure, and there is no doubt in my mind, that the recusal policy of the court was abused, but it was abused not by just Chief Justice Brock. It was abused by every member of the court: Justice Broderick, Justice Horton, Justice Johnson, Justice Batchelder, Souter. We can go on and on and on and every one of those justices who abused the recusal policy in the court knew the canon. They knew the conduct of judicial code of conduct yet they abused the recusal policy. So, if we are going to pass this article of impeachment on Justice Brock, then we might as well impeach all the other justices on the same article and that's why I voted against this and I also voted against this because the reality is that the recusal abuses finally caught up with the court. They first caught up with the court in the Feld case, when Justice Thayer, a recused justice, spoke out and then, because they just ignored this policy. It was like an accident waiting to happen, and it happened in Thayer v. Thayer. If the policy was not abused, Justice Thayer would have never said what he said; Justice Horton would have never said what he said; and Justice Brock would not have sat there and let them do it. So, I voted for the Article II, Thayer v. Thayer because in my mind that's what recusal was all about. That's what the abuse was during that instance. You have to also look at these justices when they sit on the bench and they all testified to this, they are equals. They are equals and it is up to them to make sure they live by the rules of judicial conduct and we know some sat and some participated and etc. We had all kinds of inquiries on that. So, I would urge all of you to uphold the committee vote, 13 to 9, and let's not put all the responsibility on the Chief Justice. Every justice that served on the bench broke that rule of recusal. Thank you.

Speaker Sytek: Would the member yield to questions? Rep. Solow, you may inquire.

Rep. Solow: Thank you, Madam Speaker and thank you, Representative Bergin. In support of your argument, would you answer the question whether this was a practice or a policy that had been established and discussed at some length and whether we had discovered any evidence whatsoever that any case, in terms of the merits, so-and-so versus so-and-so, had been altered by the practice that was conducted and whether or not this discussion of cases in conferences, about opinions, came after the judgment had been made as to who was the winner and the loser in each case? Thank you. Rep. Bergin: Thank you, Representative. Every justice that came in testified that it was a practice of the court, that they came on the court and this is what was happening and so they went through the various stages of recusing themselves but then going through the various practices which have already been outlined well by Representative Jacobson and other speakers. As far as we know, the testimony we saw, the only two cases that we got into were the Feld and the Thayer v. Thayer where the recusal was a major problem. We didn't get any other evidence that I'm aware of saying that because of this practice other cases were altered or decisions were altered or whatever. Of course, we didn't get all the information either, but, as I said previously, it was a practice and all of them practiced it.

Speaker Sytek: Will the member yield to another question? Rep. Mirski, you may inquire.

Rep. Mirski: Thank you, Madam Speaker. Representative, are you aware that you will have the opportunity to address the other two sitting justices, Horton and Broderick, in two following resolutions with respect to the wrongfulness of this recusal policy?

Rep. Bergin: Yes, I am aware of that and that's why I voted for reprimand on both Justice Horton and also on Justice Broderick.

Speaker Sytek: Will the member yield to another question? Rep. Withee, you may inquire.



Rep. Withee: Thank you, Representative Bergin. I just have one question because this is coming under the maladministration point. Could you point me to, because maybe I'm wrong, but I see this as being a negligent practice, could you point me to where there is willfulness or intentional implementing of this policy?

Rep. Bergin: That's why I voted against that, I don't see any willfulness. I think that it was a practice of the court. It was a bad practice. It was an accident waiting to happen and it did happen and that's why we're here today, but if we look at all the justices, they all fell into the rut of going along with this. Every one of them had a choice. I asked the question to several of them, you had a choice on this, and they do bear the responsibility of the practices that they held in the court by not following the proper procedures for recusal. But, I do not look at it as malice or manipulation of the administration of justice in the State of New Hampshire.

Speaker Sytek: Would the member yield to another question? Rep. Hamel, you may inquire.

Rep. Hamel: Thank you, Madam Speaker. Twice in a year, in two years, I'm happy and proud to say that I am not of a legal bent, I have a good idea of what "is" is, what "has" means. I'm not sure what the word "call" means in relation to call to Judge Gray. I have a pretty good idea of what I understand by "recusal". I thought I knew what I understood by "sit" and "participate". I guess I'm really upset at this hairsplitting verbal gymnastics that we have been spending a lot of time on and I'm going to stop. The question is, I thought your lead-in, or your refusal, was a lead-in to trying to impeach the other justices and if that's the case fine.

Rep. Bergin: Well, the choice is all yours, but I wouldn't impeach any justices on a recusal policy that everybody practiced. Thank you.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the Jacobson floor amendment.

## YEAS 244 NAYS 108

### YEAS 244

#### BELKNAP

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Pilliod, James	Rice, Thomas	Rosen, Ralph
Russell, David	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			

#### CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

#### CHESHIRE

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Hunt, John
Lerandeau, Alfred	Manning, Joseph	McGuirk, Paul	Meador, David
Mitchell, McKim	Richardson, Barbara	Roberts, William	Rose, William
Smith, Edwin	Zerba, Roger		

#### COOS

Davis, Perley	Gallus, John	Horton, Lynn	Landers, Dana
Mears, Edgar	Pratt, Leighton	Tholl, John Jr	Woodward, David

#### GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Dudley, Terri	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil

#### HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Batula, Peter
Beaupre, Roland	Belvin, William	Bergeron, Lucien	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Catawa, Leon Jr	Carlson, Donald

Chabot, Robert  
Cote, David  
Desmarais, Vivian  
Fenton, James  
Foster, Linda  
Gorman, Mary  
Herman, Richard  
Keye, Harvey  
LaRose, Richard  
MacGillivray, Jeffrey  
McCarty, Winston  
McGough, Tim  
Milligan, Robert  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sarette, John  
Thulander, O Alan

Christiansen, Lars  
Cote, Peter  
Desrosiers, William  
Fields, Dennis  
Franks, Suzan  
Haley, Robert  
Holley, Sylvia  
Kurk, Neal  
Lasky, Bette  
Martel, Andre  
McColgan, Philip Jr  
McRae, Karen  
Moran, Edward  
O'Connell, Timothy  
Peterson, Andrew  
Sargent, Maxwell  
Vaillancourt, Steve

Clegg, Robert Jr  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Fletcher, Richard  
Gagnon, Eugene  
Hansen, Herbert  
Hunter, Bruce  
L'Heureux, Robert  
Leonard, Peter  
Martin, Mary Ellen  
McDonald, James Sr  
Mendenhall, Leslie  
Moriarty, Mary  
O'Hearn, Jane  
Reeves, Sandra  
Simon, Anthony

Clemons, Jane  
Dawe, Eileen  
Emerton, Lawrence  
Flora, Kathleen  
Ginsburg, Ruth  
Herman, Keith  
Jean, Loren  
LaPorte, George  
Lozeau, Donnalee  
McCarthy, William  
McDonough-Wallace, Alice  
Mercer, Robert  
Mosher, William  
Ouellette, Dean  
Reidy, Frank  
Tate, Joan

### MERRIMACK

Anderson, Eric  
Langer, Ray  
Marple, Richard  
Soltani, Tony

Asplund, Bronwyn  
Larrabee, David Sr  
Maxfield, Roy  
St Cyr, Gerard

Brewster, Richard  
Lavoie, Gerard  
Nichols, Avis  
Virtue, Carolyn

Jacobson, Alf  
Leber, William  
Seldin, Gloria  
Whalley, Michael

### ROCKINGHAM

Abbott, Dennis  
Bishop, Franklin  
Clark, Vivian  
DiFruscia, Anthony  
Flanagan, Natalie  
Gleason, John  
Henderson, Warren  
Katsakiores, Phyllis  
Langley, Jane  
McKinney, Betsy  
Nowe, Ronald  
Pantelakos, Laura  
Rabideau, Marie  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

Arndt, Janet  
Bridle, Russell  
Cox, Russell  
Dowling, Patricia  
Flanders, David  
Grant, Kenneth  
Hutchinson, Karen  
Kelley, Jane  
Langone, John  
Moore, Benjamin  
Noyes, Richard  
Pitts, Jacqueline  
Raynowska, Bernard  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

Beaulieu, Jon  
Christie, Andrew Jr  
Dalrymple, Janeen  
Downing, Michael  
Flanders, John Sr  
Griffin, Mary  
Hutchinson, Rebecca  
Kelley, William  
Letourneau, Robert  
Morse, Charles  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Stone, Joseph  
Weare, Everett  
Zolla, William

Belanger, Ronald  
Clark, Martha  
Dearborn, Bruce  
Fesh, Robert  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Packard, Sherman  
Putnam, Ed II  
Ruffner, Walter  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Bickford, David  
Heon, Richard  
Rollo, Michael  
Woods, Phyllis

Cossette, Larry  
Knowles, William  
Smith, Marjorie

DeChane, Marlene  
McKinley, Robert  
Taylor, Kathleen

Gilmore, Gary  
Rogers, Rose Marie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Leone, Richard

Flint, Gordon Sr  
Robb-Theroux, Amy

Jones, Constance  
Young, David

Kibbey, David

### NAYS 108

### BELKNAP

Holbrook, Robert

Millham, Alida

Wood, Jane

### CARROLL

None

**CHESHIRE**

Burnham, Daniel  
Pratt, Irene

DePecol, Benjamin  
Pratt, John

Lynch, Margaret  
Robertson, Timothy

Lynott, Margaret  
Royce, H Charles

**COOS**

Guay, Lawrence

**GRAFTON**

Copenhaver, Marion  
Solow, Martha

Eaton, Stephanie

Guest, Robert

Johnson, Gary

**HILLSBOROUGH**

Ahern, Richard  
Burkush, James  
Dwyer, Paul Sr  
Goley, Jeffrey  
Jean, Claudette  
Lynde, Harold  
Rowe, Robert

Andrews, Frederick  
Craig, James  
Dyer, Merton  
Goulet, Maurice  
Johnson, Lionel  
Melcher, Harold  
White, John

Baroody, Benjamin  
Daigle, Robert  
Ford, Nancy  
Haettenschwiller, Alphonse  
Lefebvre, Roland  
Messier, Irene  
Withee, Dennis

Bergin, Peter  
Dokmo, Cynthia  
Garrish, Linda  
Hall, Betty  
Leishman, Peter  
Murphy, Robert

**MERRIMACK**

Bouchard, Candace  
Fraser, Marilyn  
Kennedy, Richard  
Owen, Derek  
Rodd, Beth  
Whittemore, James

Chase, George  
Gile, Mary  
Lockwood, Priscilla  
Potter, Frances  
Rosenfield, Jay  
Yeaton, Charles

Daneault, Gabriel  
Hager, Elizabeth  
Marshall, Kenneth  
Poulin, Dave  
Wallin, Jean

Fortnam, Janet  
Hess, David  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

**ROCKINGHAM**

Blanchard, MaryAnn  
Gibbons, Paul  
Norelli, Terie  
Shultis, Elizabeth

Carson, Gregory  
Johnson, Robert  
O'Keefe, Patricia  
Splaine, James

Case, Margaret  
Kane, Cecelia  
Sabella, Norma  
Stritch, C Donald

Cooney, Richard  
Lovejoy, Marian  
Sapareto, Frank  
Weatherspoon, Jackie

**STRAFFORD**

Berube, Roger  
Callaghan, Frank  
Johnson, Nancy  
Lundborn, Raymond  
Snyder, Clair  
Vincent, Francis

Brennan, William  
Dunlap, Patricia  
Kaen, Naida  
Musler, George  
Torr, Franklin

Brown, George  
Estabrook, Iris  
Keans, Sandra  
Pelletier, Arthur  
Twardus, Joseph

Brown, Julie  
Grassie, Anne  
Lent, Donald  
Pelletier, Marsha  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Wiggins, Celestine

Donovan, Thomas Jr

Phinizy, James

Tuthill, John

and the Jacobson Floor Amendment was adopted.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

Rep. Mirski offered a floor amendment.

**Floor Amendment (4806h)**

Amend the resolution by replacing the introductory paragraph after the resolving clause with the following:

That the judiciary committee has found that the house, acting under Part II, Article 17 of the New Hampshire constitution, has cause to request the senate to exercise its powers under Part II, Article 38 of the New Hampshire constitution to conduct a full and impartial trial to determine whether David A. Brock, chief justice of the supreme court of New Hampshire, should be convicted and removed from office if the senate concludes that he has committed any or all of the acts enumer-

ated in the articles of impeachment below, each of which the house has determined, if proved, constitutes an impeachable offense as set forth in Part II, Article 38 of the New Hampshire constitution:

### DEBATE ON FLOOR AMENDMENT

Rep. Mirski: Madam Speaker. Obviously I favor this, but the Representative from Epsom was going to speak to this, not I. Thank you.

Rep. Soltani: Thank you, Madam Speaker. Madam Speaker, the exclusive purpose of this amendment is to eliminate the language in the original resolution which was passed by the House Judiciary Committee to the extent of eliminating the requirement of clear and convincing evidence. That's all it does. If this amendment passes, we delete the words of "clear and convincing evidence" from the resolution which has been recommended by the House Judiciary Committee. I'm going to tell you why we're doing that and there are three reasons. One is the principle reason, another one is a policy reason and the third is that there no is support in law for it. What is the principle reason? As I said earlier, the inquest, the House of Representatives, has the ultimate discretion in establishing the standard of evidence with each member. You as individuals decide what the standard of evidence is, what the impeachable conduct is and whether there is sufficient facts to send the case to the Senate for the trial. You do that on behalf of your constituents. Any invasion of that right is a derogation of your right and thereby your voters' rights. It just can not happen. It's an implicit amendment to the New Hampshire Constitution. It is essentially turning a political process into a legal process by additional legal mumbo-jumbo which means nothing at all. We don't have that power. We can not usurp the authority of the each individual member, that's all there is to it. The second reason is the policy reason. Well, we did pass a requirement of clear and convincing evidence, but what we said was well, we'll call it clear and convincing evidence but we won't define it. So, you just think whatever you want and vote for it. In essence, what we've done, they used to call it in the old days a head-fake, say something, do another with a wink and a nod, call it clear and convincing evidence. Well, for all I care, you can call it spaghetti. If there is no definition for it, it's not binding and no one can tell you, the members, the elected members of the General Court that your standard is not good enough. I will not presume the lack of intellect on any member of this House and I will ask you not to presume the lack of intellect on my part. The adoption of a standard of evidence most likely will attack my ability to carry out my office and it is important for historical purposes that we don't conduct ourselves with a head-fake, a wink and a nod, and do something that is less than up-front. It is a meaningless gesture. It's a ruse. We don't need to do it and there is good evidence that the Senate won't agree with it anyway. They will most likely adopt no standard and leave it to the individual Senator just as they should. I got a feeling they know better. Finally, there is no support for this. There is no support in the constitution. There is no support in New Hampshire law. And, in fact, there is no preliminary proceeding in New Hampshire, legal preliminary proceeding, that requires clear and convincing evidence to return an indictment or an accusatory instrument. It's always either preponderance of the evidence, probable cause. Never, never, never, never, never, never, never, never, as Winston Churchill said, is there anything in New Hampshire law for a preliminary body to require clear and convincing evidence. We look for support to other jurisdictions. It turns out that two of them, with entirely different constitutions, have adopted clear and convincing evidence as opposed to approximately 22 of them who have done otherwise. It looks like New Hampshire is suddenly starting to march to the tune of a different drummer and we've done it based on legal mumbo-jumbo with no support, no textual support, in the letter of the constitution. This is a momentous proceeding. If we start acting without textual support in this proceeding, where will we stop next? I ask you to please remove that language and for the posterity, for the sake of our children and their children, make sure that the rights of the voters and the rights of the representatives are preserved to their conscience. Thank you. And my warning about answering all the questions, stands so if you want me to leave, don't ask me any questions.

Rep. DiFruscia: Thank you, Madam Speaker. I've learned not to talk more than three and a half minutes and please stop me if I do. Now, don't take that off my time, please. One of the things that is most sad today, but yet again you've got to look at some positive things... (tape change) ...heard from a lot of attorneys and it seems that maybe you've got a little bit of an education in terms of rules of evidence. As I look to the fourth floor I have to compliment the attorney for the Chief Justice. He convinced the Judiciary Committee that clear and convincing is your criteria and, quite



frankly, you've got to understand what it means. The first question I think all of us should understand, just for a moment and believe me it's quick, is what is a burden of proof? Are we a grand inquest, not an inquisition? Are we investigatory? If you are akin to a grand jury, as the counsel for the Committee on Judiciary thinks you are, then you apply the criminal rules. If you apply the criminal rules, it is very simple. It's probable cause and as so many judges stand up before you in court every day, whether it is a civil case or a criminal case, you apply different standards. Now, a very easy method of doing it is by most judges, and I see it constantly, spreading their hands and they say, "This is the scale of justice." If it tips just a little bit, then you have the preponderance of evidence. That's a civil, that's a civil criteria. If you go to clear and convincing evidence, which is civil again, it goes to the scale is tipped like three-quarters. So the bar now raises, so to speak. So, the burden of proof, what you have to prove, raises. I'm suggesting to each and every one of us that since this is clearly a historical event, we must not set that bar that high. To do that takes away from you, your conscience; it takes away your right and I'm very grateful to the Speaker. I wrote the Speaker on a number of occasions asking what is the burden of proof. The response I got was a very fair one and I'm grateful to the Speaker. "Follow your conscience." That's basically what was said. When you get to the criminal aspect it's beyond a reasonable doubt. Now, what is proof? Proof is evidence, too. Is it oral? Simply put, do not let us be dictated by various, I don't want to use the word legal mumbo-jumbo because I had to take rule 16, but I'm still voting, do not lose sight of the fact that you are losing something and that's very important to you. If, deep in your stomach and in your heart, you know it's wrong or you know it's right, then you vote the right way, your conscience. I certainly support this amendment. I hope you vote for the green button.

Speaker Sytek: Would the last speaker yield to a question? Rep. Zolla, you may inquire.

Rep. Zolla: Thank you, Madam Speaker. Representative, we've been here for seven hours. We've been talking about everything within in the content of clear and convincing evidence. Don't you think that at this hour it's a little late to bring up this particular amendment?

Rep. DiFruscia: Absolutely not.

Rep. Bergin: Thank you, Madam Speaker. When the time came for deliberations and to vote on articles of impeachment and prior to that time I should say, Attorney Steinfield released the interim report around June 30<sup>th</sup>, and in the interim report on page 12 we had burden of proof. He gave us three burdens of proof: preponderance of evidence, which is the lower, likely than not in percent terms a likelihood of more than 50 percent; and he also gave us clear and convincing, which was the mid-level of burden of proof; and then the other choice we had was beyond a reasonable doubt. The clear and convincing standard has been used in at least two impeachments, one judicial and one presidential, and so the committee felt that we should set the bar right around the middle with burden of proof. The committee also felt that it was important that we set a burden of proof. So, by a vote of 13 to 9 the committee voted "clear and convincing". There were a number of members that also spoke and said that it is really up to your conscience. I feel, or a member said, I feel that I can, in my mind, establish what a burden of proof was, and really when you think of it that is exactly what happened when the votes were taken and every member, after 12 weeks of depositions, of testimony, of sitting in their chair like I did, waking up at 2:00 in the morning, thinking about this constantly, when the vote came they knew the burden of proof, and as the representative just said, we've been discussing the article of impeachment all day and you voted on four of them and it says clear and convincing and so I would ask you to support the committee with clear and convincing evidence and defeat the Mirski amendment. Thank you, Madam Speaker.

Speaker Sytek: Would the member yield to a question? Rep. Wallin, you may inquire.

Rep. Wallin: Thank you, Madam Speaker. I am now really very confused because we have been talking all day about clear and convincing. I am concerned that if we remove clear and convincing that means that when it gets to the Senate they have a lower necessity to prove anything, that it doesn't have to rise to the level of clear and convincing and I'm just wondering if we do this amendment whether or not it is going to be easier to convict in the Senate.

Rep. Bergin: The answer would be that the Senate would decide on how they want to conduct their trial, because if you look at the resolution it says that the Judiciary Committee has found by clear and convincing evidence, that the Judiciary Committee has found by clear and convincing evidence, meaning, the Committee. If you voted on these articles of impeachment going along with the report, the resolution from the House and vote on the final resolution, then you are voting on clear and convincing evidence. Now, when it goes to the Senate they will set their rules and procedures and carry on.

Rep. Wallin: I'm sorry, Madam Speaker, I think I probably wasn't clear. Let me give you a hypothetical. If I am sitting in the Senate and over from the House comes these articles of impeachment and they tell me that the House has clear and convincing evidence that the justice has done the following things, does not that have a greater, does not that lend greater importance or a higher bar than if it just says the House thinks that they did this and we don't really have any evidence at all?

Rep. Bergin: No, it won't, because what we're doing is we're saying based on whether it is clear and convincing evidence, whatever the evidence is, that we have voted on four articles of impeachment and then we're going to send over to the Senate these four articles of impeachment along with all of the evidence and they're going to conduct a trial and they're going to bring in witnesses and they are going to look at evidence and they may do other things, depose, I'm not sure if they will depose people, but they will conduct a trial. The final outcome of that trial will be they'll have to vote or come up with a verdict just like in a jury trial, and they'll have to use their burden of proof standard. So, whether or not we send it over from the House clear and convincing or if we establish another burden of proof, it wouldn't matter. It is then up to the Senate to conduct a trial, come up with a verdict based on their burden of proof and their conscience.

Speaker Sytek: Will the member yield to a question? Rep. DiFruscia, you may inquire.

Rep. DiFruscia: Thank you for yielding. Isn't it correct that when the House agreed to divide the question, go article by article, that the words clear and convincing were in the first paragraph? And, is it not also correct if clear and convincing is in the first paragraph, that we don't know if the House voted on that criteria of clear and convincing?

Rep. Bergin: The House voted on each article separately. You're right, they divided it and in the House voted on the evidence that the House Judiciary Committee delivered to the House and if the members read the first part of it, it does say clear and convincing. Now, again, as I mentioned earlier, that was the standard that we set. But I think each one of you here today, after talking to Judiciary members, reading depositions, watching things on TV, listening, etc., you all voted by your conscience. You all did just like we did on the Judiciary committee. You set your burden of standard, burden of proof and so I don't think it has any bearing on the vote.

Speaker Sytek: Rep. Haettenschwiler, you may state your inquiry.

Rep. Haettenschwiler: Madam Speaker in light of this last exchange, I'm confused. If we have voted on each article separately, the issue that is now being discussed, is the introduction or the preamble to the resolution and it's not clear to me how we can be voting on an amendment to that until we actually have addressed it? Am I correct in that?

Speaker Sytek: The amendment is before us. It happens to amend the preamble and we'll do whatever the will of the majority is.

Rep. Solow: Thank you, Madam Speaker. Thank you for your patience. It seems to me if we adopt this amendment, we will be speaking falsely because the committee did adopt its proposal by clear and convincing evidence. Thank you.

Rep. DePecol: Thank you, Madam Speaker and members of the House. I don't know about you, but I never used clear and convincing evidence to make my decision. The burden of proof that I used was did it offend me enough that I was willing to impeach a sitting member of the court. Now, this clear and convincing is kind of nefarious. I mean I can't define it. I can't tell you it is 75 percent you're convinced or 80 percent you're convinced. It is what you feel in your hearts. What we are doing here is an historic precedent thing. If this ever happens again, then the next Judiciary Committee and the next body of this House is going to look back at us and say, "What did they use? How did they proceed? What kind of procedures did they have to come to this conclusion?" And if we burden them with this kind of proof, we are effectively making a precedent that will take away some of their leeway and some of their leverage and some of their ability to make a decision. So, I would just say this, clear and convincing, that's up to you. We can't put it on paper. We can't nail it down. Let your own hearts decide what you feel is a level of evidence enough to impeach. Let your own hearts decide what we are going to do to the next legislature and the next Judiciary Committee. Thank you, Madam Speaker.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment.

**YEAS 113 NAYS 231****YEAS 113****BELKNAP**

Bartlett, Gordon  
Rosen, Ralph

Boyce, Robert  
Wendelboe, Francine

Johnson, James

Lawton, David

**CARROLL**

Babson, David Jr

Dickinson, Howard

Sullivan, P Judith

Torresen, Gary

**CHESHIRE**

DePecol, Benjamin

Roberts, William

Robertson, Timothy

Rose, William

**COOS**

Gallus, John

Toll, John Jr

**GRAFTON**

Akins, Ralph  
Gilman, G Michael  
Mirski, Paul

Alger, John  
Hall, David  
Phinney, William

Cobb, John  
Harmon, Hobart  
Ward, Brien

Dudley, Terri  
Hinman, Harry  
Weber, Phil

**HILLSBOROUGH**

Arnold, Thomas Jr  
Brundige, Robert  
Christiansen, Lars  
Drabinowicz, A Theresa  
Hansen, Herbert  
Jean, Loren  
Lefebvre, Roland  
McCarty, Winston  
Mercer, Robert  
Vaillancourt, Steve

Beaupre, Roland  
Bruno, Pierre  
Clegg, Robert Jr  
Fenton, James  
Herman, Keith  
Kurk, Neal  
MacGillivray, Jeffrey  
McDonough-Wallace, Alice  
Ouellette, Dean

Belvin, William  
Buckley, Raymond  
Cote, David  
Gorman, Mary  
Holley, Sylvia  
L'Heureux, Robert  
Martin, Mary Ellen  
McGough, Tim  
Pepino, Leo

Bergeron, Lucien  
Carlson, Donald  
Desrosiers, William  
Goulet, Maurice  
Hunter, Bruce  
Lasky, Bette  
McCarthy, William  
McRae, Karen  
Simon, Anthony

**MERRIMACK**

Brewster, Richard  
Leber, William  
Virtue, Carolyn

Kennedy, Richard  
Marple, Richard

Langer, Ray  
Reardon, Tara

Lavoie, Gerard  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Flanders, David  
Kelley, William  
Moore, Benjamin  
Packard, Sherman  
Reardon, Neil  
Welch, David

Beaulieu, Jon  
DiFruscia, Anthony  
Grant, Kenneth  
Kobel, Rudolph  
Nowe, Mary Lou  
Putnam, Ed II  
Varrell, Thomas  
Weyler, Kenneth

Bishop, Franklin  
Dowling, Patricia  
Henderson, Warren  
Letourneau, Robert  
Nowe, Ronald  
Rabideau, Marie  
Vaughn, Charles

Bridle, Russell  
Fesh, Robert  
Hutchinson, Karen  
McKinney, Betsy  
Noyes, Richard  
Raynowska, Bernard  
Weare, Everett

**STRAFFORD**

Bickford, David  
Rollo, Michael

Gilmore, Gary  
Woods, Phyllis

Grassie, Anne

McKinley, Robert

**SULLIVAN**

Jones, Constance

Kibbey, David

Young, David

**NAYS 231****BELKNAP**

Czech, Stanley  
Rice, Thomas  
Turner, Robert

Holbrook, Robert  
Russell, David  
Wood, Jane

Millham, Alida  
Salatiello, Thomas

Pilliod, James  
Thomas, John

**CARROLL**

Bradley, Jeb  
Lyman, L Randy

Chandler, Gene  
Mock, Henry

Howard, Godfrey  
Patten, Betsey

Kenney, Joseph  
Philbrick, Donald

**CHESHIRE**

Avery, Stephen  
Hunt, John  
Manning, Joseph  
Pratt, John  
Zerba, Roger

Batchelder, Robert  
Lerandeau, Alfred  
McGuirk, Paul  
Richardson, Barbara

Blaisdell, Michael  
Lynch, Margaret  
Meader, David  
Royce, H Charles

Burnham, Daniel  
Lynott, Margaret  
Mitchell, McKim  
Smith, Edwin

**COOS**

Davis, Perley  
Mears, Edgar

Guay, Lawrence  
Pratt, Leighton

Horton, Lynn  
Woodward, David

Landers, Dana

**GRAFTON**

Almy, Susan  
Ham, Bonnie  
Nordgren, Sharon

Brothers, Richard  
Johnson, Gary  
Picconi, Al

Copenhaver, Marion  
MacNeil, Allen  
Scanlan, David

Guest, Robert  
Marshall, Gene  
Solow, Martha

**HILLSBOROUGH**

Ahern, Richard  
Baroody, Benjamin  
Calawa, Leon Jr  
Craig, James  
Dwyer, Paul Sr  
Fletcher, Richard  
Franks, Suzan  
Goley, Jeffrey  
Jean, Claudette  
LaRose, Richard  
Lynde, Harold  
Melcher, Harold  
Moran, Edward  
Nolan-Piteri, Dawn  
Reeves, Sandra  
Sargent, Maxwell  
Withe, Dennis

Alukonis, David  
Batula, Peter  
Chabot, Robert  
Daigle, Robert  
Dyer, Merton  
Flora, Kathleen  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Leishman, Peter  
Martel, Andre  
Mendenhall, Leslie  
Moriarty, Mary  
O'Connell, Timothy  
Reidy, Frank  
Tate, Joan

Andrews, Frederick  
Bergin, Peter  
Cote, Peter  
Desmarais, Vivian  
Emerton, Lawrence  
Ford, Nancy  
Garrish, Linda  
Haley, Robert  
Keye, Harvey  
Leonard, Peter  
McColgan, Philip Jr  
Messier, Irene  
Mosher, William  
O'Hearn, Jane  
Rowe, Robert  
Thulander, O Alan

Arthur, Rose  
Burkush, James  
Coughlin, Pamela  
Dokmo, Cynthia  
Fields, Dennis  
Foster, Linda  
Ginsburg, Ruth  
Hall, Betty  
LaPorte, George  
Lozeau, DonnaLee  
McDonald, James Sr  
Milligan, Robert  
Murphy, Robert  
Peterson, Andrew  
Sarette, John  
White, John

**MERRIMACK**

Anderson, Eric  
Daneault, Gabriel  
Hager, Elizabeth  
Lockwood, Priscilla  
Owen, Derek  
Rosenfield, Jay  
Wallner, Mary Jane

Asplund, Bronwyn  
Fortnam, Janet  
Hess, David  
Marshall, Kenneth  
Potter, Frances  
Seldin, Gloria  
Whalley, Michael

Bouchard, Candace  
Fraser, Marilyn  
Jacobson, Alf  
Moore, Carol  
Poulin, Dave  
St Cyr, Gerard  
Whittemore, James

Chase, George  
Gile, Mary  
Larrabee, David Sr  
Nichols, Avis  
Rodd, Beth  
Wallin, Jean  
Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis  
Case, Margaret  
Cox, Russell  
Flanagan, Natalie  
Gleason, John  
Johnson, Robert  
Kelley, Jane

Belanger, Ronald  
Christie, Andrew Jr  
Dalrymple, Janeen  
Flanders, John Sr  
Griffin, Mary  
Kane, Cecelia  
Langley, Jane

Blanchard, MaryAnn  
Clark, Martha  
Dearborn, Bruce  
Francoeur, Sheila  
Hamel, Albert  
Katsakiores, George  
Langone, John

Carson, Gregory  
Cooney, Richard  
Downing, Michael  
Gibbons, Paul  
Hutchinson, Rebecca  
Katsakiores, Phyllis  
Lovejoy, Marian



Major, Norman  
O'Neil, Michael  
Sapareto, Frank  
Stickney, Nancy  
Weatherspoon, Jackie

Morse, Charles  
Pantelakos, Laura  
Shelton, Richard  
Stone, Joseph  
Whittier, John

Norelli, Terie  
Pitts, Jacqueline  
Shultis, Elizabeth  
Stritch, C Donald  
Zolla, William

O'Keefe, Patricia  
Priestley, Anne  
Splaine, James  
Tufts, J Arthur

### STRAFFORD

Berube, Roger  
Callaghan, Frank  
Estabrook, Iris  
Keans, Sandra  
Musler, George  
Smith, Marjorie  
Twardus, Joseph

Brennan, William  
Cossette, Larry  
Heon, Richard  
Knowles, William  
Pelletier, Arthur  
Snyder, Clair  
Vachon, Dennis

Brown, George  
DeChane, Marlene  
Johnson, Nancy  
Lent, Donald  
Pelletier, Marsha  
Taylor, Kathleen  
Vincent, Francis

Brown, Julie  
Dunlap, Patricia  
Kaen, Naida  
Lundborn, Raymond  
Rogers, Rose Marie  
Torr, Franklin  
Wall, Janet

### SULLIVAN

Allison, David  
Leone, Richard  
Wiggins, Celestine

Cloutier, John  
Phinizy, James

Donovan, Thomas Jr  
Robb-Theroux, Amy

Flint, Gordon Sr  
Tuthill, John

and the Mirski floor amendment failed.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

### DEBATE ON ADOPTION OF HR 51

Speaker Sytek: The question now is on the adoption of the resolution with amendment, Ought to Pass with the amendment we've adopted. This is for the adoption of the whole thing plus the Jacobson amendment.

Rep. Hager: Thank you, Madam Speaker. Madam Speaker, it has been a long day, you have handled this House very well. I do believe the train has left the station but I need to rise in opposition to this resolution and all four of its articles. I am gravely disappointed that we adopted those articles and do know that we have one last chance to say no to them. I, and an obviously small minority of this House, voted against those articles of impeachment primarily because we do not feel that the awesome power that our forefathers gave us to impeach in our constitution should be used for what the Representative from Litchfield said so eloquently were simply bad acts. There is no question in my mind that David A. Brock made mistakes. I submitted an amendment to this bill that was a censure article to tell him we believe he made mistakes, but David Brock is a good man and he did not make those mistakes intentionally and I would urge you to vote no on this resolution at the present time. Thank you, Madam Speaker.

Rep. John Pratt: The hour is late, Madam Speaker. We have voted on each of the individual articles. Now comes the moment of asking that we vote the entire resolution forward. I don't think anything more needs to be said other than that by this resolution, in my judgment, we are not lowering any bar. We are holding the Supreme Court and the Chief Justice to the same high standard we would hold any judge, any lawyer, any citizen of New Hampshire, in a position of trust. I ask for a "yes" vote.

Rep. Mock requested a roll call; sufficiently seconded.

The question being the adoption of the resolution as amended.

### YEAS 253 NAYS 95

#### YEAS 253

#### BELKNAP

Bartlett, Gordon  
Lawton, David  
Salatiello, Thomas  
Wood, Jane

Boyce, Robert  
Rice, Thomas  
Thomas, John

Czech, Stanley  
Rosen, Ralph  
Turner, Robert

Johnson, James  
Russell, David  
Wendelboe, Francine

#### CARROLL

Babson, David Jr  
Howard, Godfrey  
Patten, Betsey

Bradley, Jeb  
Kenney, Joseph  
Philbrick, Donald

Chandler, Gene  
Lyman, L Randy  
Sullivan, P Judith

Dickinson, Howard  
Mock, Henry  
Torresen, Gary

**CHESHIRE**

Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin
Hunt, John	Lerandeau, Alfred	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, John	Richardson, Barbara
Roberts, William	Robertson, Timothy	Rose, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Horton, Lynn	Landers, Dana
Mears, Edgar	Pratt, Leighton	Tholl, John Jr	Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	MacNeil, Allen	Marshall, Gene
Mirski, Paul	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Drabinowicz, A Theresa	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Haley, Robert
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Jean, Loren	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen	McCarthy, William
McCarty, Winston	McDonald, James Sr	McGough, Tim	McRae, Karen
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Vaillancourt, Steve

**MERRIMACK**

Brewster, Richard	Hess, David	Jacobson, Alf	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Marple, Richard
Nichols, Avis	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Carson, Gregory	Christie, Andrew Jr
Clark, Vivian	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kelley, William	Kobel, Rudolph

Langley, Janie  
McKinney, Betsy  
Nowe, Ronald  
Packard, Sherman  
Putnam, Ed II  
Shelton, Richard  
Varrell, Thomas  
Weyler, Kenneth

Langone, John  
Moore, Benjamin  
Noyes, Richard  
Pantelakos, Laura  
Rabideau, Marie  
Stickney, Nancy  
Vaughn, Charles  
Whittier, John

Letourneau, Robert  
Morse, Charles  
O'Keefe, Patricia  
Pitts, Jacqueline  
Raynowska, Bernard  
Stone, Joseph  
Weare, Everett

Major, Norman  
Nowe, Mary Lou  
O'Neil, Michael  
Priestley, Anne  
Reardon, Neil  
Tufts, J Arthur  
Welch, David

### STRAFFORD

Bickford, David  
DeChane, Marlene  
Knowles, William  
Rollo, Michael  
Woods, Phyllis

Brennan, William  
Gilmore, Gary  
Lundborn, Raymond  
Smith, Marjorie

Brown, George  
Heon, Richard  
McKinley, Robert  
Taylor, Kathleen

Cossette, Larry  
Kaen, Naida  
Rogers, Rose Marie  
Wall, Janet

### SULLIVAN

Cloutier, John  
Leone, Richard

Flint, Gordon Sr  
Robb-Theroux, Amy

Jones, Constance  
Young, David

Kibbey, David

### NAYS 95

### BELKNAP

Holbrook, Robert

Millham, Alida

Pilliod, James

### CARROLL

None

### CHESHIRE

Burnham, Daniel

Lynch, Margaret

Lynott, Margaret

Pratt, Irene

### COOS

Guay, Lawrence

### GRAFTON

Almy, Susan  
Nordgren, Sharon

Copenhaver, Marion  
Solow, Martha

Guest, Robert

Johnson, Gary

### HILLSBOROUGH

Ahern, Richard  
Dwyer, Paul Sr  
Haettenschwiller, Alphonse  
McColgan, Philip Jr  
Reidy, Frank

Andrews, Frederick  
Dyer, Merton  
Hall, Betty  
McDonough-Wallace, Alice  
Rowe, Robert

Daigle, Robert  
Ford, Nancy  
Johnson, Lionel  
Melcher, Harold  
White, John

Dokmo, Cynthia  
Garrish, Linda  
Leishman, Peter  
Murphy, Robert  
Withee, Dennis

### MERRIMACK

Anderson, Eric  
Daneault, Gabriel  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallin, Jean

Asplund, Bronwyn  
Fortnam, Janet  
Kennedy, Richard  
Owen, Derek  
Rodd, Beth  
Wallner, Mary Jane

Bouchard, Candace  
Fraser, Marilyn  
Lockwood, Priscilla  
Potter, Frances  
Rosenfield, Jay  
Yeaton, Charles

Chase, George  
Gile, Mary  
Marshall, Kenneth  
Poulin, Dave  
Seldin, Gloria

### ROCKINGHAM

Blanchard, MaryAnn  
Gibbons, Paul  
Norelli, Terie  
Splaine, James

Case, Margaret  
Johnson, Robert  
Sabella, Norma  
Stritch, C Donald

Clark, Martha  
Kane, Cecelia  
Sapareto, Frank  
Weatherspoon, Jackie

Cooney, Richard  
Lovejoy, Marian  
Shultis, Elizabeth  
Zolla, William

**STRAFFORD**

Berube, Roger  
 Estabrook, Iris  
 Lent, Donald  
 Snyder, Clair  
 Vincent, Francis

Brown, Julie  
 Grassie, Anne  
 Musler, George  
 Torr, Franklin

Callaghan, Frank  
 Johnson, Nancy  
 Pelletier, Arthur  
 Twardus, Joseph

Dunlap, Patricia  
 Keans, Sandra  
 Pelletier, Marsha  
 Vachon, Dennis

**SULLIVAN**

Allison, David  
 Wiggins, Celestine

Donovan, Thomas Jr

Phinizz, James

Tuthill, John

and HR 51 as amended was adopted.

Ordered to third reading.

Rep. Whittemore voted Yea and intended to vote Nay.

Reps Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

**HB 1500-FN**, relative to judicial retirement compensation and benefits for supreme court chief justice Brock.

1 Judicial Compensation and Benefits for Supreme Court Chief Justice Brock. If supreme court chief justice David Brock voluntarily resigns from the court during the period between a vote to impeach him by the full house of representatives and prior to the beginning of an impeachment trial by the senate, he shall be entitled to receive the retirement compensation and benefits under RSA 490:2 beginning upon the date he would have begun receiving such compensation and benefits if he had served as a supreme court justice until he was 65 years of age.

2 Effective Date. This act shall take effect upon its passage.

Rep. Dyer moved Ought to Pass with Amendment and offered a floor amendment.

**Floor Amendment (4813h)**

Amend the bill by replacing all after the enacting clause with the following:

1 Judicial Compensation and Benefits for Supreme Court Chief Justice Brock. If supreme court chief justice David Brock voluntarily resigns from the court, he shall be entitled to receive the retirement compensation and benefits under RSA 490:2 beginning upon the date he would have begun receiving such compensation and benefits if he had served as a supreme court justice until he was 65 years of age.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill allows chief justice David Brock to receive judicial retirement compensation and benefits even if he resigns prior to reaching 65 years of age.

**DEBATE ON FLOOR AMENDMENT**

Rep. Dyer: Thank you, Madam Speaker. This has been proposed earlier for the bill and I rise in support of the bill before you. We have been through a difficult period, but we will send a recommendation, if you vote in the affirmative, to the Senate that this individual should receive his retirement benefits. Why do we need this bill? We have sent to the Senate that he should be tried by the Senate. This bill is effective upon passage. That will not be effective until the Senate acts on it. But, if the Senate finds the Chief Justice not guilty, I think we need this bill in place so that he can retire as soon as possible so that we can begin the healing of the court and get in place some organization of the court processing. He will not receive his retirement benefit until he is eligible in July of the year 2001 at which time he will be 65. He has served the required number of years on the bench. So, I think this is an important step for the House to take to get this in place. One of his conditions of employment, when he was appointed, as with all other judges, was that he would receive a retirement benefit. There have been some questions raised about the legality of doing this. I appeared before the Judiciary Committee yesterday and spoke to it. Alan Cleveland also appeared before the Judiciary Committee yesterday and spoke to the retirement. The question being raised is does this affect the qualified status of the judicial plan? Attorney Cleveland and I have had numerous conversations about this. He is taking a very, very narrow view of this. I do not believe it would affect the present plan. I would like to read a little bit from the letter that was received in May of



1999 from Attorney Russell Godrow of Ropes and Gray. He was the one that submitted the original papers to the IRS to establish this 457 plan. The judges have a non-tax qualified plan, a deferred compensation plan. What is needed for a qualified state judicial plan is that one, the plan shall have been in existence since December 31<sup>st</sup>, 1979, and it has period small Roman two, under such plan all judges eligible to benefit under the plan, one, are required to participate. They do. Two, are required to contribute the same fixed percentage of their basic or regular rate of compensation. They all contribute the same rate, which is zero. It is fully paid by the state. Small Roman three, under such plan, no judge has an option as to contributions or benefits the exercise of which would affect the amounts of includable compensation. Nothing in this amendment will affect that. Four, small Roman four, the retirement payments of a judge under the plan are a percentage of the compensation of judges of the state holding similar positions. They will be. The plan during any year does not pay more benefits than limitations of section 415-b, the Internal Revenue Code, and that sets a total amount of which they can pay. I feel that this bill will not upset the classified status. Senator King had taken out an LSR to this effect earlier in the year. He withdrew it. So, I feel it is appropriate for the House to pass this bill to put in place a retirement provision for the Chief Justice if he wishes to retire early. This is not unusual. I can recall two special bills in the past that have been put in for special retirement benefits for people who for one reason or another did not comply with the present statute. I would hope you would support this amendment and pass the bill to the Senate. Thank you.

Speaker Sytek: Would the member yield to questions? Rep. Avery, you may inquire.

Rep. Avery: Thank you, Madam Speaker. Representative Dyer, I've got some real problems with this. Originally, the idea was floated that if Chief Justice Brock would retire before an actual trial in the Senate, then we would do his retirement fund, and as I read this now, even if he goes before the Senate and gets impeached, he'll still get his retirement. Is that true?

Rep. Dyer: No, that is not true. If the bill passes the House, and is not acted upon by the Senate prior to the announcing of the verdict of the Senate, this is my understanding: he will not be eligible for retirement benefits if impeached. If the Senate comes down with a not guilty verdict, yes, he could retire and I think that would be appropriate so we can get a fresh start and move forward.

Rep. Avery: So, what we're saying now is that if Chief Brock puts the Senate and the state through an expensive impeachment trial in the Senate, we're still going to give him his retirement if he is acquitted.

Rep. Dyer: If they find him not guilty. If they find him not guilty, he can go back to sitting on the court and get his retirement in July 2001, but I put this in so that if they find him not guilty and he feels he can not do his job properly because of all the cloud over his administration, he can get out, but he will not receive his retirement benefits until July of 2001.

Rep. Avery: What would happen if he retired, resigned now?

Rep. Dyer: He would get no benefits if he resigned right now.

Speaker Sytek: Would the member yield to another question? Rep. MacGillivray, you may inquire.

Rep. MacGillivray: Thank you, Madam Speaker. Thank you, Representative Dyer. I just want to make sure I understand. The amendment takes out the phrases that say, "if he resigns prior to the Senate starting its debate." So, what you're saying is that if we chose to amend this bill in this way, I'm speaking only to the amendment at this point, if we chose to amend the bill in this way, we will go from a situation if which the justice either resigns before the trial begins or doesn't get a pension if he's convicted, to a situation where if the Senate were to pass this, prior to their taking action on the trial itself, he would then be in a position where he could wait, listen to how the entire evidence goes and then 15 minutes before the verdict is announced, turn in his resignation to the Secretary of State.

Rep. Dyer: That would not go to the Secretary of State, if I may, it would go to the Governor. But, that is correct. The reason I did not like, and this is what I told the Judiciary Committee, the reason I did not like the language in the original bill, it looked like we were driving him or holding a club over his head to get out but there was nothing in it that would say the Senate would act between the time the House met and the Senate began their trial if there was going to be one. So, there were flaws with the original bill.

Speaker Sytek: Would the member yield to another question? Rep. Belvin, you may inquire.

Rep. Belvin: Thank you, Madam Speaker and thank you Representative Dyer for taking my question and I guess it's got two pieces. Let's assume that the bill as proposed, 1500, passes. We still

have before us House Resolutions 52 and 53. I do not know the fate of those, but my question is, let's assume that either Justice Broderick or Justice Horton is also impeached. What posture should you recommend for us towards their pensions in that event?

Rep. Dyer: That's why I included in his name in the bill. It is a private bill for one individual. The others have not served on the bench as long as he has. Horton is eligible for retirement the first part of next year. He has only been on the bench for seven years. I believe, something like that. Broderick has not been on the bench very long. It would be treated as an individual person if we put in a generic bill without some specificity to it. I think we would be faced with that question on the other two should it come up.

Speaker Sytek: Will the member yield to another question? Rep. Pepino, you may inquire.

Rep. Pepino: Representative Dyer, are you aware that when Governor Gallen was the sitting governor and he passed away they tried to get a pension for his family and somewhere along the line it failed? Here is a person we are talking about impeaching and we're going to reward him?

Rep. Dyer: We have no retirement benefits for governor, any governor. That was one that was put in for Governor Gallen. We have a pension plan in place for the Judiciary. We do not have any options for offering a reduced pension if he is less than age 65.

Rep. Pepino: I know at that time, and there never was a pension for a governor, but the people up here, I remember it very clearly, were doing it just like you're doing this, out of the goodness of their heart and they failed.

Rep. Dyer: I wasn't here at the time for that one.

Rep. Kurk: Thank you, Madam Speaker. Madam Speaker, I rise in opposition to the pending motion, the Dyer bill as amended. There are three amendments dealing with this and they all suffer from the same potential flaw. The original House Bill 1500 is conditional, if Justice Brock resigns. Representative Dyer's proposal is conditional, if Justice Brock resigns, and Representative Peterson's proposal is also conditional and his proposal appears on page 1623, if a justice voluntarily resigns. All of these are conditional. It takes an action of the justice, at his discretion, to invoke whatever consequences there are, the receipt of the pension. That constitutes what most people would call an election or an option and it is that fact that is of great concern to me and should be to this House, because if the attorneys who have informed the Judiciary Committee are correct, there is a significant chance that passage of this legislation and the exercise of the option by a justice or, in the case of Representative Dyer's bill, Justice Brock, will render our current judicial pension system to be non-tax qualified. Now, that's not certain, but it is likely. That's our legal advice, or the legal opinion from someone who is an expert in the area of pension plans. Should that happen, it will be a real financial problem for justices and potentially for the state and let me explain. If a current retired justice is determined to be a member of a non-tax qualified plan and he is actually receiving a pension, then all of the value in today's dollars of his future pension which might be as much as a million or two million dollars if his life expectancy is long, would be considered taxable income today and he would have to pay taxes on perhaps \$800,000. That might be \$200,000 or \$300,000 even though he is only receiving in cash an \$80,000 pension. Any judge who retired in the future and participated in what now would be a non-qualified, non-tax qualified plan would face the same problem. For those reasons, we do not adopt any of these bills. If we do, there is a potential consequence for the general fund, even though we would not have to pay any more money to the judges than we are currently ... (tape change)... might ask us, and there has been some discussion or question in the papers as to whether they would, might ask us to reimburse them for the extraordinary taxes they would have to pay initially, or at least give them a loan to care of those taxes on the grounds that they originally bought into or were promised a tax-qualified plan and we changed that on them. And to the extent that comes to pass, there would be a significant multi-million dollar, potential multi-million dollar impact on the general fund. You know that is not desirable. So, for both of these reasons, I think it is imprudent at this time to adopt any of these three proposals. Indeed, if they are adopted, I would ask the Speaker to refer the bill to the Finance Committee so that we could actually determine what the consequences to the general fund might be. But beyond the tax issue, I think there is a real policy issue that we need to consider and from my point of view passing this bill or any other bill like it is bad public policy. First, I don't think we should give a reward to a person whom we have just impeached. I don't think that makes sense. On the one hand, we say your conduct was improper and on the other hand, we say, yet we are going to give you a reward for this that you are not otherwise entitled to. Secondly, there is a great

deal of irony here. As many of you know, I and former Representative Robert Wheeler introduced a judicial pension bill in 1996 which was designed to allow judges not to have to be 65 before they got anything but to allow them to retire earlier and get a partial pension, in effect, based on the number of years of service, which is similar to what we do with our state employees. This would have been a contributory pension plan. You heard from Representative Dyer that judges don't contribute at all to their pensions as compared with state employees who do. This would have required judges to contribute to the pensions. Well, the judiciary, led by Chief Justice Brock, fought that tooth and nail and right now after four years, it's still in a study committee, in this case in Finance. I find it particularly ironic that Justice Brock, who opposed this, would now be the beneficiary of the very kinds of protections that the bill, this judicial pension reform bill, was designed to offer the judiciary. Lastly, like all of you, I feel there is a great deal of compassion involved in this case. This is a terrible thing to befall a judge so near to retirement, so near to his pension and to have it all snatched away by a series of events for which I believe he is culpable, but certainly which tug at our heart strings because of the effect on him and his family. I put it to you, however, that the time for compassion is not here in this chamber when we are impeaching. The time for compassion is after the Senate has a trial and it convicts on the grounds that we have sent over to the Senate. At that point, it is appropriate for the Senate to determine the appropriate penalty. It is my understanding that the Senate is not obligated, if they convict, to automatically remove Justice Brock from his office. The constitution, Part I, Article 36 can be read, excuse me that's Article 39, Part II, allows the Senate to impose a different penalty or no penalty upon conviction, so at that point the Senate could act or make some recommendations. But I think the better time to do this, should the Senate convict, would be next year when we take up the judicial pension bill and we determine what is appropriate. At that time, the House would have an opportunity to look into the tax consequences of what it might do and what is fair. Part I, Article 36 allows us to pay pensions to people who have provided actual service to the state, so even if Justice Brock were not qualified to receive his pension under the judicial pension plan, nothing, as I understand that article, prevents us from providing him with a pension if we felt, on a compassionate basis at that time, that he deserved it. But this is not, I believe, for us to do today. This is something that needs to be done later. We have done our job. We have acted properly by passing these articles of impeachment. The other issues are for another time. So, I would urge you to defeat this proposed piece of legislation as well as any amendments which would have the same effect. Thank you, Madam Speaker.

Rep. Rose: Thank you, Madam Speaker. Members of the House, I rise in favor of House Bill 1500, but with a small wrinkle. I also agree with the amendment by Representative Dyer. First of all, I do agree with the impeachment of Justice Thayer. But, during many years on the bench, I'm sure that Justice Thayer did, Thayer, Broderick, Brock, it's getting hotter and hotter, I think. During Judge Brock's 14-years-plus on the bench he must have done some good things and I think we could all agree with that, despite these four violations and you can look at the violations and whether they are big or small or medium, but they are violations and we deem them as such. He still should not be deprived of his retirement, I don't believe. I don't think that this House is mean spirited or unfair. I don't think we want to mete out double punishment. Even murderers often times only have one punishment, whether it is life or 20 years. They don't get two, usually they don't get two punishments. I do agree and I don't often agree with Representative Robinson. I don't know where he is, Robertson, anyway, he was on the radio recently and he made a statement. He said, "The government doesn't take away your social security benefits if you violate your DWI. Why should we take away Judge Brock's pension. Why should we do that?" This bill, 1500, allows the judge to have a retirement if he resigns at some point in the future before or after the Senate. I hope that he, if he is looking or looking on television or whatever, will take the gentlemanly course and decide to save the state treasury maybe a third of a million dollars or a quarter of a million dollars and a trial in the Senate and his own expenses, law fees for his lawyers, he will save that also, if he simply resigns, period. Soon. Then we can close this door, this unfortunate situation, we can close the door on this unfortunate situation and get on with our individual lives. Let's pass House Bill 1500. Don't you think that double punishment would be excessive, would be an excessive piling on? Isn't impeachment enough? Thank you, Madam Speaker.

Rep. Pantelakos: Thank you, Madam Speaker. I rise in opposition to House Bill 1500. I would like to compliment the Judiciary Committee for the great job they did on the very hard task that was put before them, but I am very opposed to this bill, giving the justice a retirement and full benefit.



Give me a break! The House of Representatives is a place where laws are made, not a place that says, "We know you did wrong, but if you will resign, not cost us any more money or time, or headaches, we will reward you and give you everything you ask for." What a great message that sends to our people, young and old. If you can afford a high-priced lawyer and he knows the judge that believes the person and his family has suffered enough, they will walk away scot-free. Why not? The New Hampshire House believes that is the way they should do things. After all, they did it for a judge. Now comes a person who is poor, committed the same crime, only can't afford the high-priced lawyer who talks the talk the judge talks, down comes a gavel and that person pays the penalty. Is that what we call justice? This person was appointed because he was supposed to be honest, fair impartial and, above all, to take a long look at the whole picture, because the people in the state of New Hampshire believe they go into that courtroom, they will get a fair shake and justice will be served. This House was elected to do what is right for the majority of the people, not to set one person aside and say, yes, we know you've done wrong but we feel you've been punished enough by having your name in the paper and it has hurt your family. I believe the people in the State of New Hampshire trusted this man. He failed. You do not give rewards for failing. Is this House afraid that if this man goes on trial for impeachment a lot more dirty laundry will come falling out of our judicial system? For years, people have tried to tell the New Hampshire House it is wrong to give somebody a job for life with no one to account to and that's what we do with the judges. Even the governor has to account to somebody. The judges do not. They can do anything they want to and there is no penalty, unless we disgrace the whole state with a mess like this court has created now. Please vote with me and overturn the committee report. Show the people and the State of New Hampshire that this House believes that our judges should be honest, fair and trustworthy. If not, they must go. Let's start to put a little bit of dignity back in to the court system today. Thank you.

Rep. Sapareto: Thank you, Madam Speaker. In retirement plans, we are talking about a qualified plan, right now, that the judges get from the general fund. There are 153 judges and they derive that money from the general fund. It is very simple. At age 64, if we wanted to pass this bill, we simply give it to them with the payment of annuity or stipend and there is no tax implication whatsoever. Anyone telling you different is not, either doesn't know or, is not telling you the truth. Hybrid plans exist in the corporate world all the time. You could easily get by that. Age 64 is not subject to 59 and a-half penalty; he can take the money. If we wanted to pass this bill, we can do it. There are no IRS implications. That's one point I absolutely want to make. The second point is that we have Justice Thayer, who has clearly been the person with malintent in this entire affair, granted full immunity, at age 54 is going to go out and be fully vested in some other plan and get a full retirement, getting out of impeachment, walks away from it and we're going to hang a 64-year-old, one year away from his retirement after 25 years of service and he is going to go through this while the guy who did most of the wrong is walking free. If you think that's justice, then you just vote against 1500. But for me, anyway, if you want to grant something to at least this person's family after 25 years of service, when somebody else is going to get off free at age 54, then you would support this bill. Thank you.

#### **(Rep. Lozeau in the Chair)**

Rep. Wendelboe: Thank you, Madam Speaker. I rise to oppose the Dyer amendment and any others that come afterwards dealing with a special pension for Justice Brock. Particularly, I think the first thing that I find the most onerous is that it's tied to resignation. If we feel that Justice Brock should be due a retirement because of his 22 years of service, he should get it whether he is impeached and removed from office or whether he resigns and I know a lot of you can't believe I said that. However, I totally disagree with him getting a full retirement before he qualifies for the plan and under the judges' plan you're totally not qualified until you reach age 65. What do you think your constituents are going to think? The constituents that have been telling you how wrong they thought what the court has been doing. What will they think when they find out that we've rewarded him with an early full retirement at 75 percent of pay that goes up every single time any of the current judges get a raise without having put one dime of contribution to it? What are your constituents who served in the military going to think when they realize that in the highest service someone can give, service to their country and fighting in a war, that if they had done something wrong, even if they had 35 years of service in, if they were removed for that wrongdoing, they would get nothing. I think it would be a pretty hard sell to our constituents to justify giving him a sweetheart goodbye



golden handshake. It really kind of scared me to realize how much Representative Kurk brought out of the notes that I had made as well. It would be very foolish of us to pass any bill that would endanger the tax-qualifying plan unless we got a formal IRS opinion before that went into effect. We don't have time to do that before the Senate takes up the impeachment hearing. However, Neal Kurk did touch on what it could trigger. If Justice Brock took that retirement and that plan ended up being unqualified, we could have a huge financial liability to this state because all those other justices would say, "Your action triggered me having hundreds of thousands of dollars worth of tax liability." The comment was made about Justice Thayer and that he could go on somewhere else and get a retirement but a 64-year-old man doesn't have time. Well, I would like to point out that he would get social security, that he did not come to work for the state until he was 42 years old. I would hope that up until that point that he was putting something aside for retirement, and he has been making over \$100,000 a year. I would hope some of that he had put away for retirement. However, I don't think it would be fair to his family to give him nothing but there are alternatives. We do not have to act today. There is legislation in the hopper, in study committee. There is nothing to say we can't make it retroactive to include Justice Brock, particularly since he is not eligible until he turns age 65 anyway. You may recall in past years we've had special bills to allow people to buy into the group II retirement plan. There is also another special plan for commissioned officers of the state, for example the treasurer and the secretary of state, apply to. We could pass a bill to say that Justice Brock could buy into that retirement and get what a regular state employee would have gotten with 22 years of service to our state. My guesstimate, figuring after him off-set paying in, would be that he would get around a \$45,000-a-year retirement. Granted, it is not full boat but it is something for his family. We don't reward him completely but yet we don't set him adrift. We can do that in the future. We don't have to act in haste and repent at leisure. Representative Kurk made a very good point. The Senate can do anything they want to do with the pension. This is a moot point if this impeachment goes to the Senate and they don't convict. So, for us to pass a bill doing this is kind of putting the cart before the horse. So, I recommend that we definitely not pass any of these retirement bills. Let the Senate come up with a suggestion and we can come back and agree with them or disagree with them and hammer it out after we know definitely if they are removing Justice Brock from office. Thank you.

Rep. Lozeau: Does the member yield to a question? Representative Vaillancourt, you may inquire.

Rep. Vaillancourt: Thank you, Madam Speaker. I apologize for being called a couple of other times. I had made a note that I wanted to ask this question to the proponent of the original bill but I consider it an important question, so I'll ask it in the opportunity I do have. I was at home at 11:15 the night this bill was proposed and I was playing the role of note-taker and I thought for a minute I was watching David Letterman's monologue or something. I heard one Representative say, "Totally, totally out of the bounds of decency, shocking that you brought it forward. I'm overwhelmed by it." Then this Representative went to vote for it. The other thing I was shocked by, and this is what the question is, the Representative, whom I respect tremendously, who proposed this said five words that I somehow could not bring myself to believe. "This is not a deal." If this is not a deal, I keep wondering why was the stipulation put in that the Chief Justice would only be allowed this opportunity if he resigned prior to the Senate action? Did you see this as a deal?

Rep. Wendelboe: Representative Vaillancourt, no I don't see it as a deal. I see it more as a plea bargain and I think whether it's a deal or whether it's a plea bargain, they are both wrong.

Rep. Lozeau: Will the member yield to another question? Rep. Leighton Pratt, you may inquire.

Rep. Leighton Pratt: I, as a past state employee, did stop my job and I received the money I put in. Should we give him money or should we give him the money he put in?

Rep. Wendelboe: I'm not quite sure I understood the question. If we came up, or the Senate came up and we agreed with something to do with him being able to be in another state employee plan, it would have to be contingent on him buying into the plan. So, in other words, he would have to make a contribution of that 10 percent of his yearly salary for every year he worked for the state as well as the rate of return that that money generated, so that he would not be actually taking anything away from that state employee plan that he wouldn't have been due had he paid in all along. I think that is within the realm since there is precedent that other people have been allowed to buy into that plan. It is an opportunity to give him a partial retirement and I think that with that alternative it makes sense to vote down all of these measures dealing with retirement.

Rep. Lozeau: Would the member yield to a further question? Rep. Andrews, you may inquire.

Rep. Andrews: Thank you, Madam Speaker. I'm a little bit upset the way this is going. It seems that all day we have been listening to, it is not up to the House, the whole case is going to come before the Senate, any action is going to be taken by the Senate, not by the House, we're only going to send this to the Senate and now my question. Am I not correct in the fact that if Mr. Brock defeats the claim against him, then he continues on until he is at least 65 and gets his whole pension in full, nothing deterrent against his pension whatsoever if he is found not guilty? On the other hand, the Senate, if they want to work to accommodate Justice Brock, if they find him guilty, they can still say, "Chief Justice, you're guilty. Tomorrow morning be back on the bench and do the rest of your term." Now, I don't think it is up to us at this point to say, dicker so that he'll retire early and take his full pension. All day it's been leave this to the Senate to decide. My question is, should we leave this to the Senate and not try to settle it on the floor of the House?

Rep. Wendelboe: Yes, Representative Andrews, I agree completely. We should leave this to the Senate which is the appropriate body to address this issue.

Rep. Lefebvre: Thank you, Madam Speaker. Members of the House, this is almost like a riddle. Did you ever wonder why the word discipline is followed by the word disciple? Very nicely how that these two words were put in conjunction, almost together, in the dictionary and I often wondered if there was a message in there. I'm opposed to bill 1500 because it is too much of a big temptation and I'd like to tell you why. How does one discipline the disciplinarian? By what exemplary means does a chief instill discipline into his counterparts when they fell apart? With absolute guidelines, of course, where there is no room to hide under anyone's cloak that could lead to one's folly or set-up. I can not believe Chief Brock, the beacon, the highest and brightest light of our state, could ever be happy or satisfied to stoop down to pick up the marbles offered in House Bill 1500. He must exemplify as he has done for 24 years and show us his true American colors. He should have the opportunity to choose to go to the Senate where they might be able to clear. I would be proud to stand with him as they give him liberty or give him death, no marbles. Let him have freedom honorably or die dishonorable. As I often, as my grandmother used to teach me to say in French, "Vivre Libertie, et Justice." Thank you.

Rep. Craig: Thank you, Madam Speaker, you snuck up on me. I'll be very brief. I voted for the original pension bill last Wednesday, after midnight and I have no regrets about doing that. I'm not going to talk about the specifics of the pension bill we vote for. My feeling is that the Chief Justice, although I feel reluctantly that he committed impeachable offenses, I think that he committed no crimes, no bribery, no corruption, did not have the black heart that we were told about, the malice in his heart. I never saw any of that. On the other hand, I saw that he had 20/25 years of good and decent service to this State of New Hampshire. I understand that he has a wife and children and someone asked me before if I was doing what I did for revenge. Absolutely not. I think that, I think that this is, it may be a measure of compassion on my part, but my feeling is that compassion is a character strength and not a character defect so if it's compassion then I'm not embarrassed to say that it's compassion. I don't care if people say that I'm doing this because it looks like a deal. I don't care if people say I'm doing this that it looks like a plea bargain, that it looks like anything. I don't care. I think it is the right and fair thing to do to offer Chief Justice Brock a pension and I'm happy to stand up here on this miserable day and say that. Thank you.

Rep. Hamel: Thank you, Madam Speaker. I can't believe this. One point of order, first. Representative Wendelboe made a comment about a military getting a retirement after 35 years, or not getting retirement after serving 35 years. Not quite true. If the person in the military has served 20 years, he or she is entitled to retirement. An example, I guess in the last 10 days, a major general was accused of sexually harassing a one star-general. He was allowed to retire. He was allowed to retire because the parameters of that retirement system has time-in-service. He served 20 years. If he had served 18 and a-half years, he would be out of luck. He'd get nothing. To come back to 1500, a very similar issue as far as I'm concerned. Our statute says that the parameters for his retirement are two things: time on the bench and age. He hasn't met that requirement. It is not revenge. That is what the law says. I think it is a bad precedent to set. I would ask you to vote against this 1500 and any other amendment to 1500, as far as that goes. Thank you, very much.

Rep. Kennedy: I thank you, Madam Speaker. Madam Speaker, I would like your memory to go back to a man by the name of Donovan, I believe it was Donovan. It might have been Donnolly. He was a Secretary of Labor in one of our past presidential groups. I forget now which one. They hauled him into court and they charged him with all sorts of things. It was one of these things where

they thought they had him and they made a massive amount of trouble for him. They even had a congressional look at him. In the end, he was exonerated and he had one thing to say. He said, "For God sakes, where do I get my integrity and honor back and reputation back?" Dave Brock is in that position right now. Where does he get his integrity and his honor back? He doesn't get it from this. Do I feel compassion for the man? Yes. He has kids in school. He has girls in college. He has a boy in high school. His older daughter is in the hospital, I believe, with some sort of a malignancy. Yes, the man has troubles and serious ones, but what price for integrity? What price to cop a plea like a common criminal? I think it is asking far too much. Last I knew, if I offered a traffic cop a bribe, they threw me in the hoosegow. Now, what we are considering doing is bribing the judge to avoid an unfortunate incident. We have created it. Let nature takes its course. My feeling is he will be exonerated. I believe him to be an honorable man. I believe he'll be back on the bench and serve out the rest of his time. It is my belief that we are going to pass all sorts of bills, those of us who are going to return here, luckily some of us will and some of us won't, there will be an ungodly number of bills to correct the judicial problems. Somewhere there has to be somebody there with the institutional knowledge to help us put it into effect and Dave Brock has that knowledge. So, I am hoping that he is exonerated. I hope that he walks out of here with his head high and saying, "I did my best. Maybe it wasn't as good as you wanted, but it was my best and I did it in an honorable fashion. Thank you very much." Now, I don't believe in bribes. No, that's not true. I have a German shepherd and I give him dog biscuits. But beyond that, I think it is a bit much, it is a tremendous amount of money. We also know that by doing it this way we may end up with a financial problem. There is nothing to say that the next legislature that adjourns here tomorrow or next year or whenever we come here cannot put in a bill and change the law so that it covers all judges for all times and creates a clear operation. You have been told by the head of the finance group that it creates a problem. Representative Sapareto who's pretty good with funds of that type, says there may be a way around it, but if we wish to move in that direction, let's do that. Let's not cloud it with a bribe. It stinks. It reeks. It is beneath the dignity of every member of this House to even consider a bribe. Thank you, very much.

### (Speaker Sytek in the Chair)

Rep. Peterson: Thank you, Madam Speaker. You may have noticed that there have been a number of speakers on the Dyer amendment and I'd like to explain why that is. The reason is because this is the bill. This is the one amendment. This is the decision on this matter. The others that are printed in the calendar, the various proponents have decided to set aside and go along with the amendment recommended by the senior representative from my district of Peterborough, the man who is clearly the Dean of the House when it comes to retirement matters and a person who has spent much of his career in this legislature protecting the integrity of the retirement system. I've sent a handout into the mailboxes and maybe some of you had a chance to glance at it. It is a 50-state review which was prepared by our research people here to give you a sense on what the judicial retirement situation is in the 50 states of the country. Some of them are rather bare bones in their analysis but I think one conclusion can be drawn from reading that handout and that is that the situation in the State of New Hampshire may very well be unique which Chief Justice David Brock finds himself in. As we know, matters such as this are very often solved through resignation, not because the person involved doesn't believe that they have a right and an obligation to some extent to clear their name and face the charges, but because they believe that it is better for the state, for the institution which they represent for them to step aside and put those personal considerations to one side. In the State of New Hampshire, such a resignation for the Chief Justice would, in essence, leave his family out in the cold. That would be something which in my view would be wrong. In opposition to this measure, we've heard what I would take to be something in the nature of a technical foul that's been called in the second period of overtime, perhaps, or just as we come to consideration of this. We've heard from Representative Dyer that he believes this to be a fallacy, that there is in fact no tax problem with the bill as presented. We've heard from perhaps one of the finest tax planners that's among our membership, Representative Sapareto from Derry, who spends every day and earns his living in this field, that if there were such an issue that came up that it would be able to be handled by an amendment or by a slight adjustment made to the bill in the Senate. So, the fact is that those of you who wish to allow, and I hope there are some that haven't gone out to dinner or perhaps are still willing to listen to this, because it is a very important thing, those are



willing to allow a technical consideration or perhaps something that is only a red herring to stand in their way of a basic moral decision about what is right today should consider otherwise at this point. This I offer to you as a policy decision of the House. This is something that we have to decide today and pass on to the Senate or not. If we pass it on to the Senate, it would take further action by the Senate and by the Governor to become a reality, but it would be a statement of what the House feels is right. That is what happened to the very people who looked, I'll say with respect to all of you who have looked hard at this, the hardest at the evidence compiled in the impeachment inquiry, the 22 members of the committee upon which I am honored to be a member the House Judiciary Committee. People in the state saw over the TV the kind of work that we did and heard it on their radios on the way home from work and so forth and had a chance to get involved in this extraordinary and most public process in our inquiry. But, you know, it is the very people who, after a great deal of consideration, and those who were closest to the facts, who came with a 19 to 3 vote to support this principle. It has been called bizarre by some that we could support impeachment and then support the Chief Justice having a right to his pension, I find it to be something quite different. I find it to be a very human and a very dignified action on the part of our committee because I think we have to separate the impeachment from the pension. In most private situations where people have pensions they become vested in the pension. In business or in regular life, if someone embezzles from the company or even murders the chief executive, let's say, they still have their pension. They may collect it in jail but at any rate they still have it. Now, the fact is that we have, and this is another thing I think about which some resentment has surrounded and clouded this issue, for our judiciary, we have as established by this legislature, a defined benefit plan. That means when I ask someone or when a person is asked, I certainly don't ask, but when we ask someone as citizens of the state to be a judge, a person who might earn twice as much as an attorney, in fact, if they are the type of person that we want as a judge, we say to them, when you retire you'll have a decent retirement living. In the meantime, you'll be giving service to the state, good public service, and you'll be limited, to a degree in your other earnings. But the fact is when it comes time to retire, you're going to have that benefit. So, the defined benefit plan which we have presupposes, in fact, that the state is paying in, as part of a salary, into a retirement plan. At least on the face of it that that would be the relationship as opposed to a contributory system which is one where the person would probably be paid more but contributes to a plan which builds a benefit. Now, if we had had a contributory system in place, we wouldn't even be at this point today because the pension would be long ago vested. There are, in fact, people on the court today who are likely to receive their pensions with only 10 years of service, not the 25 which David Brock has put in. Now, I'm going to be brief but I want to make a point and I want to make it without any equivocation and I want to say one other thing, too. I haven't spoken at all today. I haven't come down here although I was, I believe, an active and participating member of the Judiciary Committee because I found that this decision was one of the most difficult I've ever had to make in my time in public service and I did not want to be in the position of encouraging anyone in terms of a vote on their conscience of what they thought they should do on this impeachment. I felt, frankly, it had been tough enough for me to do it and I wasn't about to tell you how to work your way through it. But, I will make a comment about what we have done here today. I think it has been a black day for the State of New Hampshire. At best, what we've done has been in essence the gray march of duty through this process. But there is a principle that is important that has rung out from these proceedings and I want to suggest to you that that's the principle that the constitutional right of equal protection under the law is not negotiable. That's something this House has said in ringing fashion today and it's something which I could not ignore. It was revealed in the conduct and, therefore, I voted for the articles of impeachment. Now we have the rest of the job to do. Our courage in standing for that principle should now be crowned with compassion. That represents the best of what our citizens would ask us. You know, in the House of Representatives, there is probably not one in a thousand in our communities who would run for our office. The duties are heavy. The pay is short. The hours are long, but I believe that today we need to stand up and represent the best of our citizenry. Let's not submit ourselves to government by sound bite. Let's cast a vote for government by sound judgment and let's say that after 25 years of service to this state, it is an ill-fitting postscript to our actions here today to leave this man's family destitute. I don't want to stand by and watch it. I will not without taking this action here. This is the vote. It is a clear choice, a clear moral choice. What will you do? I ask that you vote for this amendment and vote to pass this bill on to the Senate to give us the opportunity to have the means to move forward together ... (tape change) ...



Speaker Sytek: Would the member yield to a question? Rep. Vaillancourt, you may inquire.

Rep. Vaillancourt: Thank you, Madam Speaker, and I am certainly gratified to have the opportunity for you to clear up this question because I did write down those five words you said about 11:15 the night this matter came up in your committee, and, unlike my colleague from Manchester, I do care if, in fact, this is meant as a deal, but you did, in fact, affirm that it is not a deal. Could you clear up in my mind how, if it is not a deal, you chose to force the Chief Justice to decide before the Senate hearing? If your compassion was so great, why did you put that time frame in? Rep. Peterson: That was recommended by others on the committee as an amendment to my original bill, and I stand before you today to support the Dyer amendment, which removes that language. But, I'll say something beyond that and that is that I appreciate the question of the Representative from Manchester, because it is a very important point. This is not a deal. What it is is a choice for the Chief Justice to retire with some dignity or otherwise move forward to clear himself of the charges which we have leveled here today. That will be completely up to him, but I believe that this pension is earned and we should not withhold it. Thank you.

Rep. DePecol: I rise, sadly, in opposition to this bill. I rise mostly in opposition because I dislike the process, to tell you the truth. If we pass this today, then by due process here it will have to go to the Finance Committee. The Finance Committee will have to send us some recommendation back. We will have to vote on it one way or the other. If we pass it, then it will have to go to the Senate. The Senate will have to hold public hearings. They will have to make a decision. They might amend it. They might change it. They might do whatever they want to it and then if they pass it intact it has go to the governor to be signed. That's going to take more than one day. It's going to take a long time for this and all this time the Chief Justice is going to be sitting there debating whether or not he must resign. Now, the other thing I find sad about this is it is a personal bill. Only one person is going to benefit from this. None of the other state employees, not you or I would get this same kind of consideration. I don't think the House ought to be making these kinds of decisions based on past service. There has been a spoken mistake up here tonight. If you spent time in the Air Force like I did, I'm retired from the Air Force, and on the day before you are due to retire you get convicted and court-martialed and bounced out with a dishonorable discharge, you receive no pension. You receive no benefits. There is no mercy for bad acts. Does Chief Justice Brock deserve mercy? I believe so, but not here under this body. Let the Senate be the merciful ones. They can say yes, you're guilty but you can stay or yes, you're guilty but we're going to let you have your pension. That's okay with me and the other thing that's okay with me is if anybody wants to bring in a bill here that says that every justice in the State of New Hampshire gets a pension after serving X amount of years and a percentage of the pension based on how much time the justices have served, I'm very happy to vote for that. I don't think we should be making one-person bills, special favor bills, just because it makes us feel good. We are compassionate, I think, in this body. This is not the time for compassion. This is the time for sense and adhering to procedures. Thank you.

Speaker Sytek: Will the member yield to questions? Rep. Robertson, you may inquire.

Rep. Robertson: Thank you, Madam Speaker and thank you, Representative. Do you understand that if the state had chosen to make this a funded plan, which they very well could except the complication of judges, some of whom serve for five years and some who serve for 40, that if he had put in one percent, to fund this plan and we had put in 99 percent, after 10 years, 100 percent of that would be his and he would walk away in spite of the fact that he walked in and took a machinegun up there and killed 40 of us. It would be his and we chose not to make this a funded plan, he did not, we did it for our convenience and it would be his under normal circumstances?

Rep. DePecol: Thank you, Representative Robinson. Yes sir, I do understand that and it's unfortunate the way it worked out, but I still feel, all being said and done, that this is a one-person bill, that we have process and someone talked earlier about equal protection under the law. This is more than equal protection under the law. It's more protection than you and I would get under the law. It's above and beyond the protection. So, yes, I agree with you, Representative Robertson that it is an unfair situation. I'm sorry.

Rep. Dyer requested a roll call; sufficiently seconded.

The question being the adoption of the Dyer floor amendment.

**YEAS 103 NAYS 231**

**YEAS 103****BELKNAP**

Pilliod, James	Rosen, Ralph	Turner, Robert
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**CARROLL**

Mock, Henry
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**CHESHIRE**

Blaisdell, Michael	Burnham, Daniel	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	Pratt, Irene	Pratt, John
Richardson, Barbara	Robertson, Timothy	Rose, William	

**COOS**

Guay, Lawrence	Horton, Lynn
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**GRAFTON**

Copenhaver, Marion	Guest, Robert	Ham, Bonnie	Johnson, Gary
Ward, Brien			

**HILLSBOROUGH**

Ahern, Richard	Arnold, Thomas Jr	Baroody, Benjamin	Burkush, James
Craig, James	Dyer, Merton	Emerton, Lawrence	Ford, Nancy
Garrish, Linda	Goley, Jeffrey	Jean, Claudette	LaPorte, George
Lasky, Bette	McCarthy, William	McColgan, Philip Jr	McDonough-Wallace, Alice
Melcher, Harold	Mercer, Robert	Murphy, Robert	O'Hearn, Jane
Peterson, Andrew	Reidy, Frank	Sarette, John	White, John
Withee, Dennis			

**MERRIMACK**

Brewster, Richard	Chase, George	Daneault, Gabriel	Fraser, Marilyn
Jacobson, Alf	Larrabee, David Sr	Lockwood, Priscilla	Marshall, Kenneth
Moore, Carol	Owen, Derek	Potter, Frances	Rodd, Beth
Rosenfield, Jay	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew Jr
Cooney, Richard	Gibbons, Paul	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lovejoy, Marian	McKinney, Betsy	Noyes, Richard
O'Keefe, Patricia	Rabideau, Marie	Reardon, Neil	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Stritch, C Donald
Tufts, J Arthur	Whittier, John		

**STRAFFORD**

Brennan, William	Brown, Julie	Dunlap, Patricia	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Musler, George
Rogers, Rose Marie	Snyder, Clair	Twardus, Joseph	Vachon, Dennis

**SULLIVAN**

Allison, David	Donovan, Thomas Jr	Flint, Gordon Sr	Leone, Richard
Wiggins, Celestine	Young, David		

**NAYS 231****BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Rice, Thomas
Russell, David	Salatiello, Thomas	Thomas, John	Wendelboe, Francine
Wood, Jane			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Batchelder, Robert	DePecol, Benjamin	Hunt, John	McGuirk, Paul
Meador, David	Mitchell, McKim	Roberts, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Mears, Edgar	Pratt, Leighton
Tholl, John Jr	Woodward, David		

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Dudley, Terri	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Weber, Phil			

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arthur, Rose	Batula, Peter
Beaupre, Roland	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr
Carlson, Donald	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Daigle, Robert	Desmarais, Vivian	Desrosiers, William	Drabinowicz, A Theresa
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Ginsburg, Ruth
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Keye, Harvey
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland
Leishman, Peter	Leonard, Peter	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen	McCarty, Winston
McDonald, James Sr	McGough, Tim	McRae, Karen	Mendenhall, Leslie
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy	Ouellette, Dean
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Fortnam, Janet
Gile, Mary	Hess, David	Kennedy, Richard	Langer, Ray
Lavoie, Gerard	Leber, William	Marple, Richard	Nichols, Avis
Poulin, Dave	Reardon, Tara	Seldin, Gloria	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Clark, Martha	Clark, Vivian	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca

Kane, Cecelia  
Langley, Jane  
Moore, Benjamin  
Nowe, Ronald  
Pitts, Jacqueline  
Splaine, James  
Vaughn, Charles  
Weyler, Kenneth

Kelley, Jane  
Langone, John  
Morse, Charles  
O'Neil, Michael  
Priestley, Anne  
Stickney, Nancy  
Weare, Everett  
Zolla, William

Kelley, William  
Letourneau, Robert  
Norelli, Terie  
Packard, Sherman  
Putnam, Ed II  
Stone, Joseph  
Weatherspoon, Jackie

Kobel, Rudolph  
Major, Norman  
Nowe, Mary Lou  
Pantelakos, Laura  
Raynowska, Bernard  
Varrell, Thomas  
Welch, David

### STRAFFORD

Berube, Roger  
Estabrook, Iris  
Lundborn, Raymond  
Rollo, Michael  
Vincent, Francis

Bickford, David  
Gilmore, Gary  
McKinley, Robert  
Smith, Marjorie  
Wall, Janet

Cossette, Larry  
Heon, Richard  
Pelletier, Arthur  
Taylor, Kathleen  
Woods, Phyllis

DeChane, Marlene  
Knowles, William  
Pelletier, Marsha  
Torr, Franklin

### SULLIVAN

Cloutier, John  
Robb-Theroux, Amy

Jones, Constance  
Tuthill, John

Kibbey, David

Phinizy, James

and the Dyer Floor Amendment failed.

Reps. Burling, Carson, Dalianis and Quandt declared conflicts of interest and did not participate. Speaker Sytek: Without objection, we will allow Rep. Simon to offer a floor amendment. Rep. Simon offered a floor amendment.

### Floor Amendment (4817h)

Amend the bill by replacing all after the enacting clause with the following:

1 Judicial Compensation and Benefits for Supreme Court Chief Justice Brock. If supreme court chief justice David Brock voluntarily resigns from the court, he shall be entitled to receive 80 percent of the retirement compensation and benefits which he would have otherwise received under RSA 490:2 beginning upon the date he would have begun receiving such compensation and benefits if he had served as a supreme court justice until he was 65 years of age.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill allows chief justice David Brock to receive 80 percent of judicial retirement compensation and benefits, even if he resigns prior to reaching 65 years of age.

### DEBATE ON FLOOR AMENDMENT

Rep. Simon: Thank you, Madam Speaker and thank you members of the House. I will be brief; in fact, I have authorized the Speaker to use the gavel on my head if I exceed two minutes. I would ask that the depth of your consideration of this amendment be in inverse proportion to the amount of time I intend to speak. We have certainly heard all the arguments. At a very late hour, I had this amendment drafted because I'm concerned about this subject. I stand here, as I think we all are today, saddened and disappointed about the events that bring us here today. But, on the other hand, we've talked a great deal about compassion and I'm sympathetic to that. I suggest to you that this amendment takes the middle road that allows us to do what's right but allows us to extend the compassion that I feel we ought to be extending. I think, also, it is expedient, and as a lawyer I'm used to settling cases. I see this in that vein in part and that's expedient, but I don't think there is anything wrong with being expedient, so I think this works on a variety of levels. I think it rewards the Chief Justice for his dedicated service to the state. I think it is a significant sanction beyond the sanction of what we've already done which is incredible, but it allows the beneficial purposes of this to take effect and may provide an inducement to save the state a great deal of time, anguish and expenditure. I see the gavel coming for my head, so I'll stop talking.

Rep. Vivian Clark: Thank you very much, Madam Speaker. I have sat there patiently all day preventing myself from jumping up and down on any one of these issues but I finally reached one where I couldn't because since this is an unexpected amendment I knew that nobody had signed up to speak against it. There are several reasons why we should not accept this amendment. The first



of these is that we have made here an historic move. We have recommended impeachment of a Supreme Court Justice for the first time in incredible periods of time. There is, therefore, an expectation in the public that there is reason for this and that there ought to be a trial and we should not be doing something specifically to subvert that process. Next reason, the only reason for this House, other than to subvert the trial, to grant somebody pension rights outside of the normal process would be because we are presuming that the Senate is going to find him guilty of the points that we have made in the impeachment statement. Now, I don't believe it is appropriate for us to do that. And, the third reason why we shouldn't support this particular amendment is because we have just made a statement of opinion of this House that it is inappropriate for us to grant a pension concomitant on a resignation. Now we're being asked to approve it because it's going to cost us 20 percent less. Now, this in fact, folks, gets us back down to that joke you may have heard one time about whether or not one is a prostitute and does it, in fact, depend upon how much it costs. There are good reasons for not passing this; there are good reasons for not passing any kind of presupposed pension plan. Please vote "no" on the amendment. Thank you.

Rep. Dyer: Thank you, Madam Speaker. I rise in opposition to the pending motion. We have spent a great deal of time discussing the legal requirements of a judicial 457 deferred compensation plan, and as I briefly read to you, among the items that are in here, Roman IV, the retirement payments of a judge under the plan are a percentage of the compensation of judges of that state holding similar positions. You are changing the compensation rate. That will raise a great deal more questions on the Internal Revenue Code, the IRS, than anything we have discussed before. This amendment is clearly in violation of the IRS regulations and I urge you to vote "no".

Rep. Bishop requested a roll call; sufficiently seconded.

The question being the adoption of the Simon floor amendment.

### **YEAS 37 NAYS 298**

#### **YEAS 37**

#### **BELKNAP**

Mock, Henry

#### **CARROLL**

None

#### **CHESHIRE**

Burnham, Daniel  
Rose, William

Lynott, Margaret

Manning, Joseph

Pratt, John

#### **COOS**

Guay, Lawrence

#### **GRAFTON**

Guest, Robert

Ham, Bonnie

#### **HILLSBOROUGH**

Craig, James  
McDonough-Wallace, Alice

Garrish, Linda  
Reidy, Frank

Ginsburg, Ruth  
Simon, Anthony

LaPorte, George  
White, John

#### **MERRIMACK**

Fraser, Marilyn  
Wallner, Mary Jane

Moore, Carol  
Yeaton, Charles

Rodd, Beth

Rosenfield, Jay

#### **ROCKINGHAM**

Blanchard, MaryAnn  
Reardon, Neil

Francoeur, Sheila  
Tufts, J Arthur

McKinney, Betsy

Noyes, Richard

#### **STRAFFORD**

Brennan, William  
Twardus, Joseph

Johnson, Nancy  
Vachon, Dennis

Keans, Sandra

Snyder, Clair

**SULLIVAN**

Leone, Richard

Young, David

**NAYS 298****BELKNAP**Bartlett, Gordon  
Johnson, James  
Rice, Thomas  
Thomas, JohnBoyce, Robert  
Lawton, David  
Rosen, Ralph  
Turner, RobertCzech, Stanley  
Millham, Alida  
Russell, David  
Wendelboe, FrancineHolbrook, Robert  
Pilliod, James  
Salatiello, Thomas  
Wood, Jane**CARROLL**Babson, David Jr  
Howard, Godfrey  
Philbrick, DonaldBradley, Jeb  
Kenney, Joseph  
Sullivan, P JudithChandler, Gene  
Lyman, L Randy  
Torresen, GaryDickinson, Howard  
Patten, Betsey**CHESHIRE**Batchelder, Robert  
Lerandeau, Alfred  
Mitchell, McKim  
Robertson, TimothyBlaisdell, Michael  
Lynch, Margaret  
Pratt, Irene  
Royce, H CharlesDePecol, Benjamin  
McGuirk, Paul  
Richardson, Barbara  
Smith, EdwinHunt, John  
Meader, David  
Roberts, William  
Zerba, Roger**COOS**Davis, Perley  
Tholl, John JrGallus, John  
Woodward, David

Horton, Lynn

Pratt, Leighton

**GRAFTON**Akins, Ralph  
Cobb, John  
Hall, David  
Marshall, Gene  
Picconi, AlAlger, John  
Copenhaver, Marion  
Harmon, Robert  
Mirski, Paul  
Scanlan, DavidAlmy, Susan  
Dudley, Terri  
Hinman, Harry  
Nordgren, Sharon  
Ward, BrianBrothers, Richard  
Gilman, G Michael  
Johnson, Gary  
Phinney, William  
Weber, Phil**HILLSBOROUGH**Ahern, Richard  
Arthur, Rose  
Belvin, William  
Bruno, Pierre  
Carlson, Donald  
Clemons, Jane  
Daigle, Robert  
Dwyer, Paul Sr  
Fields, Dennis  
Foster, Linda  
Gorman, Mary  
Hall, Betty  
Hunter, Bruce  
Keye, Harvey  
Lasky, Bette  
Lozeau, Donnalee  
Martin, Mary Ellen  
McDonald, James Sr  
Mendenhall, Leslie  
Moran, Edward  
Nolan-Piteri, Dawn  
Pepino, Leo  
Sargent, Maxwell  
Wither, DennisAlukonis, David  
Baroody, Benjamin  
Bergeron, Lucien  
Buckley, Raymond  
Chabot, Robert  
Cote, David  
Desmarais, Vivian  
Dyer, Merton  
Fletcher, Richard  
Franks, Suzan  
Goulet, Maurice  
Hansen, Herbert  
Jean, Claudette  
Kurk, Neal  
Lefebvre, Roland  
Lynde, Harold  
McCarthy, William  
McGough, Tim  
Mercer, Robert  
Moriarty, Mary  
O'Connell, Timothy  
Peterson, Andrew  
Tate, JoanAndrews, Frederick  
Batula, Peter  
Bergin, Peter  
Burkush, James  
Christiansen, Lars  
Cote, Peter  
Desrosiers, William  
Emerton, Lawrence  
Flora, Kathleen  
Gagnon, Eugene  
Haettenschwiller, Alphonse  
Herman, Keith  
Jean, Loren  
L'Heureux, Robert  
Leishman, Peter  
MacGillivray, Jeffrey  
McCarty, Winston  
McRae, Karen  
Messier, Irene  
Mosher, William  
O'Hearn, Jane  
Reeves, Sandra  
Thulander, O AlanArnold, Thomas Jr  
Beaupre, Roland  
Brundige, Robert  
Calawa, Leon Jr  
Clegg, Robert Jr  
Coughlin, Pamela  
Drabinowicz, A Theresa  
Fenton, James  
Ford, Nancy  
Goley, Jeffrey  
Haley, Robert  
Holley, Sylvia  
Johnson, Lionel  
LaRose, Richard  
Leonard, Peter  
Martel, Andre  
McColgan, Philip Jr  
Melcher, Harold  
Milligan, Robert  
Murphy, Robert  
Ouellette, Dean  
Sarette, John  
Vaillancourt, Steve

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Fortnam, Janet	Gile, Mary
Hager, Elizabeth	Hess, David	Jacobson, Alf	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Seldin, Gloria	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Whalley, Michael	Whittemore, James	

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Case, Margaret	Christie, Andrew Jr
Clark, Martha	Clark, Vivian	Cooney, Richard	Cox, Russell
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
Moore, Benjamin	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Rabideau, Marie	Raynowska, Bernard	Sabella, Norma	Sapareto, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

**STRAFFORD**

Berube, Roger	Bickford, David	Brown, Julie	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Heon, Richard	Kaen, Naida	Knowles, William
Lundborn, Raymond	McKinley, Robert	Musler, George	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Taylor, Kathleen	Torr, Franklin	Vincent, Francis	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Jones, Constance	Kibbey, David	Phinizy, James	Robb-Theroux, Amy
Tuthill, John	Wiggins, Celestine		

and the Simon floor amendment failed.

Reps. Burling, Carson, Dalianis and Quandt declared conflicts of interest and did not participate.

The question now being Ought to Pass on House Bill 1500.

Rep. Brothers requested a roll call; sufficiently seconded.

**YEAS 72 NAYS 263****YEAS 72****BELKNAP**

Pilliod, James	Rosen, Ralph	Wood, Jane
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**CARROLL**

Mock, Henry

**CHESHIRE**

Burnham, Daniel	Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph
Pratt, Irene	Pratt, John	Richardson, Barbara	Robertson, Timothy
Rose, William			

**COOS**

Guay, Lawrence

**GRAFTON**

Copenhaver, Marion	Guest, Robert	Ham, Bonnie	Ward, Brien
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**HILLSBOROUGH**

Ahern, Richard	Baroody, Benjamin	Burkush, James	Craig, James
Garrish, Linda	Goley, Jeffrey	Jean, Claudette	LaPorte, George
Lasky, Bette	McCarthy, William	McColgan, Philip Jr	McDonough-Wallace, Alice
Melcher, Harold	Peterson, Andrew	Reidy, Frank	Sarette, John
White, John	Withee, Dennis		

**MERRIMACK**

Brewster, Richard	Fraser, Marilyn	Jacobson, Alf	Lockwood, Priscilla
Moore, Carol	Owen, Derek	Potter, Frances	Rodd, Beth
Rosenfield, Jay	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Blanchard, MaryAnn	Case, Margaret	Christie, Andrew Jr	Johnson, Robert
Lovejoy, Marian	McKinney, Betsy	Noyes, Richard	O'Keefe, Patricia
Reardon, Neil	Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth
Stritch, C Donald	Tufts, J Arthur	Whittier, John	

**STRAFFORD**

Brown, Julie	Dunlap, Patricia	Johnson, Nancy	Keans, Sandra
Snyder, Clair	Vachon, Dennis		

**SULLIVAN**

Allison, David	Donovan, Thomas Jr	Wiggins, Celestine	Young, David
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**NAYS 263**

**BELKNAP**

Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Millham, Alida	Rice, Thomas
Russell, David	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			

**CARROLL**

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torresen, Gary	

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	DePecol, Benjamin	Hunt, John
Lynch, Margaret	McGuirk, Paul	Meador, David	Mitchell, McKim
Roberts, William	Royce, H Charles	Smith, Edwin	Zerba, Roger

**COOS**

Davis, Perley	Gallus, John	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		



**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Dudley, Terri	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	Johnson, Gary	Marshall, Gene
Mirski, Paul	Nordgren, Sharon	Phinney, William	Picconi, Al
Scanlan, David	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Batula, Peter	Beaupre, Roland	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert Jr	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Daigle, Robert	Desmarais, Vivian	Desrosiers, William
Drabinowicz, A Theresa	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Ginsburg, Ruth	Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Keye, Harvey	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen
McCarty, Winston	McDonald, James Sr	McGough, Tim	McRae, Karen
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Chase, George
Daneault, Gabriel	Fortnam, Janet	Gile, Mary	Hager, Elizabeth
Hess, David	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Marple, Richard	Marshall, Kenneth
Nichols, Avis	Poulin, Dave	Reardon, Tara	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Whalley, Michael	Whittemore, James		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Bishop, Franklin	Bridle, Russell	Clark, Martha	Clark, Vivian
Cooney, Richard	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Hutchinson, Rebecca	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kelley, William
Kobel, Rudolph	Langley, Jane	Langone, John	Letourneau, Robert
Major, Norman	Moore, Benjamin	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Putnam, Ed II
Rabideau, Marie	Raynowska, Bernard	Sabella, Norma	Splaine, James
Stickney, Nancy	Stone, Joseph	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Zolla, William			

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Cossette, Larry
DeChane, Marlene	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Kaen, Naida	Knowles, William	Lundborn, Raymond
McKinley, Robert	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Taylor, Kathleen
Torr, Franklin	Twardus, Joseph	Vincent, Francis	Wall, Janet
Woods, Phyllis			

**SULLIVAN**

Cloutier, John	Flint, Gordon Sr	Jones, Constance	Kibbey, David
Leone, Richard	Phinizz, James	Robb-Theroux, Amy	Tuthill, John

and HB 1500 failed.

Reps. Burling, Carson, Dalianis and Quandt declared conflicts of interest and did not participate.

Rep. Rollo moved that House Bill 1500 be Inexpedient to Legislate.

Adopted.

**HOUSE RESOLUTION NO. 52**

recommending that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr.

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the New Hampshire house of representatives adopt the following resolution relative to justice Sherman D. Horton, Jr; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found no clear and convincing evidence that justice Sherman D. Horton, Jr has acted in such a way as to require the house, acting under Part II, Article 17 of the New Hampshire constitution, to make and send to the senate an article of impeachment, and accordingly moves that no article of impeachment be brought against justice Sherman D. Horton, Jr. Rep. Jane Wood moved Ought to Pass.

Rep. Mirski offered a floor amendment.

**Floor Amendment (4811h)**

Amend the title of the resolution by replacing it with the following:

A RESOLUTION recommending impeachment of supreme court justice Sherman D. Horton, Jr. Amend the resolution by replacing all after the title with the following:

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the house adopt the following resolution relative to justice Sherman D. Horton, Jr.; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found that the house, acting under Part II, Article 17 of the New Hampshire constitution, has cause to request the senate to exercise its powers under Part II, Article 38 of the New Hampshire constitution to conduct a full and impartial trial to determine whether justice Sherman D. Horton, Jr., of the supreme court of New Hampshire, should be convicted and removed from office if the senate concludes that he has committed any or all of the acts enumerated in the article of impeachment below, which the house has determined, if proved, constitutes an impeachable offense as set forth in Part II, Article 38 of the New Hampshire constitution:

**ARTICLE I**

That during the period from his appointment as an associate justice of the New Hampshire supreme court to the present, justice Sherman D. Horton, Jr. engaged in conduct which corrupted the

supreme court's capacity to dispense impartial justice and to insure the right of every New Hampshire citizen to equal protection under the law. Justice Horton has done so by participating in a process whereby disqualified justices were permitted to receive draft opinions for cases before the court and to attend case conferences which enabled them to comment on and influence opinions from which they were recused and disqualified. Specifically, he committed one or more of the following acts:

1. Engaged in a pattern of acts, and allowed the continued existence of an implicit secret policy at the supreme court whereby the justices did or were allowed to do one or more of the following:

A) recused, disqualified or non-participating judges were allowed to comment, or provide input, orally or in writing, on matters from which they were disqualified, recused or in which they purportedly did not participate;

B) recused, disqualified or non-participating judges were provided with draft copies of decisions of cases from which they were disqualified, recused or in which they purportedly did not participate, before the ordinary citizens were allowed to do the same;

C) recused, disqualified or non-participating judges were allowed to attend conferences where cases from which they were disqualified or in which they did not participate were discussed and decided;

2. As the administrative head of the New Hampshire supreme court, he permitted a secret policy whereby he individually or in concert with other justices did one or more of the following acts:

A) allowed the opinions and decisions of the court to be published as per curiam opinions and falsely purported that a particular disqualified justice had not sat nor participated in the said opinions, where in fact the said justice had participated in the said decision and had, on occasion, in fact authored the said decision;

B) allowed the opinions and decisions to be published indicating that a certain justice or certain justices had not participated in the progress of the case where in fact they had, thereby misinforming, and misleading the people of the state and the litigants in the matter and creating a false historical record.

That because of justice Sherman D. Horton, Jr.'s failure to insure that the dispensation of impartial justice and equal protection under the law has been uniformly afforded to those who had cases before the New Hampshire supreme court, the New Hampshire house of representatives finds that justice Sherman D. Horton, Jr. has committed an impeachable offense warranting trial by the New Hampshire senate.

### AMENDED ANALYSIS

This house resolution recommends that one article of impeachment be brought against justice Sherman D. Horton, Jr., of the New Hampshire supreme court.

### DEBATE ON FLOOR AMENDMENT

Rep. Mirski: Thank you, Madam Speaker. Just as an aside, I was thinking about the historic events of today and I reminded myself that this morning when I was speaking about rolling a cannon up in front of Governor Wentworth's door and the assault on Fort William and Mary, it occurred to me that there is at least one member of this House who had relatives at both of those events, so it is interesting about the continuum of time and how we get to play these things out over time. With respect to the impeachment of Chief Justice Brock, Article I, Article II, Article III, all had to do with specific administrative acts by the Chief Justice as an individual. When this House voted to also add an article which would impeach him for the recusal policies of the court, however, that vote changed the dynamic of today's proceedings and this is why. The recusal policy of the court is not a policy for which the Chief Justice is solely responsible as the member from Amherst so eloquently spoke to. What Article 73-a of the Constitution says is this: that the Chief Justice, with the concurrence of a majority of the court, sets the policies and procedures for the court. That means that a majority of the justices on the court were perfectly willing, interested, in having the recusal policy be a part of their daily procedural activities. Secondly, the canons of ethics require that every judge who perceives a wrongful act on the part of another judge or group of judges has an obligation under the canons to report that wrong. What does this recusal practice mean as a practical matter to litigants? What the recusal practice essentially does is allow a prejudiced judge to participate in the judicial proceedings of the Supreme Court. It is impossible for any judge to comply with their



oath of office in upholding the constitutional requirement which encumbers upon them an absolute obligation to act impartially. It is impossible to participate as a prejudiced judge and simultaneously meet the Constitutional requirement of impartiality, impossible. I said earlier this morning what the constitution does is it establishes an independent set of judges, independent judges. Each judge is responsible for his or her own personal performance, vis-a-vis the constitutional obligation. That means that when Justice Horton, Justice Broderick or any other justice participates in a process, offers opinions in any way related to cases before the court in which they have an interest, they violate their oath of office, they violate their canons and they do other things with respect to litigants, which I'll mention in a minute, so the wrong is huge. Just think about this. The nature of the abuse to litigants is what? It is straightforward. It's denial of due process, the right to equal treatment under the law. Equal protection is absolute, someone said earlier today. It is impossible for each member of the Supreme Court, and unfortunately HR 50 primarily addresses the individuals who are presently serving, but it is impossible for members of the Supreme Court to participate or condone in anyway a recusal policy which denies litigants, our constituents, of their due process rights. Further, I had a conversation with somebody else who has some knowledge about this and they said to me, "You know, the other thing that might happen here is that if the State of New Hampshire, the Supreme Court of New Hampshire, has, in fact, denied individuals their due process rights, that may be actionable under the Civil Rights Act of 1982 and that means appeals at the federal court." There was an article by a reporter, in the Monitor, when this began, concerning the number of individuals who are incarcerated in the state prison who are now looking at appeals on account of this recusal process. I think what we are looking at, the reality is, a long period of time where this is going to be before us. It is not right to treat Justice Brock separately and to hold him accountable for this process. Justice Horton and Justice Broderick are also responsible. I ask you in the interest of equity and fairness to vote "yes" on this amendment, because otherwise what we are saying is that it was perfectly fine for this violation to permit the Supreme Court members, who all would have an interest in this, to assert themselves the privilege of secret proceedings, the privilege of being able to intervene in cases, the privilege of denying these due process rights and the privilege to covertly serve the rich and powerful. A couple of days after the Attorney General came out with his report, every member of the court and also retired justices admitted to having participated in these horrible recusal practices and interestingly, when I finally learned of the Judge Gray business, the relationship between the court, the politically powerful member of the Senate and the judiciary, I thought to myself, my God, we're back at 1775. I think that the remainder of the Justices, Horton and Broderick, deserve to be impeached as well and I ask for your support. Thank you.

Rep. Carson: Thank you, Madam Speaker and honorable members of the House. I rise today in opposition to the Mirski floor amendment for a number of reasons, but I'll try and be very, very brief because the hour is late. I've refrained from speaking earlier today on this historic day, especially since it's my last, probably likely day to speak in this House, but for over 20 years the New Hampshire Supreme Court has followed a procedure for better or worse, just or unjust, moral, immoral or just simply wrong. I don't agree with the practice. I believe the practice would probably not meet the standard of what you would try and teach your children on whether to tell the truth or tell a lie. I'm deeply disturbed by Justice Broderick's comment about momentary lapses in ethical behavior, I was appalled when I read that statement in the newspaper on the proceedings that occurred. However, this practice has gone on for more than 20 years, a number of justices, including one now a U.S. Supreme Court Justice, have participated in this action. One of the things that makes our form of government in New Hampshire and in the United States very unique is that when we find wrongs, we fix them. Simply, if it is wrong we change the law, we change a policy, we change procedure. What we don't do, however, is go back and look in hindsight and charge people with crimes, misdemeanors, or sanction penalties against people who have practiced under those practices prior to them being wrong, immoral, illegal. To do this today in either Articles I or II of the first House resolution for Justice Brock or in this article or in the following article would simply be wrong. It would be unjust. It would be anti-American, in fact. It goes against everything that we really believe in as Americans and in due process. I voted earlier against Articles I and II and I voted for Article III and I voted against Representative Jacobson's amendment because I think recusal is not the issue here. The issue has been resolved. We don't need to look into it further. We know it was wrong. We all abhor it and it is behind us now. We look to need to move forward and



get the confidence back in the court system for the citizens that we represent. We don't need to keep going over a problem that we know has been fixed. However, we do need to take a look at the court because systemic problems like this exist throughout the entire court system and while we are addressing those issues in future legislative sessions, we should not be doing it now at the level of impeachment of individual justices for a systemic problem of the court system that, in fact, we, for the most part, have set up over the course of 200 years. I would be really, really disappointed in knowing that we impeached individual justices for such a broad systemic practice and that to look back in hindsight I think we would all regret what we were to do if we were to impeach these individuals for that practice. I would ask that simply, today, that we think before we vote and say are we penalizing individuals for a practice that was systemic in the system for years and years and years because we are angry, upset or have a personal qualm with one or many of the things that they have done? Or, are we voting today because we really believe that impeachment is the only solution? I, however, do not think so. I think other remedies, other than impeachment, are probably more just and more equitable, such as censure or some other penalty. So, I would ask you today to simply vote against these amendments and go along with the committee report and vote this bill or vote this amendment Inexpedient to Legislate. Thank you.

Rep. Brothers: Thank you, Madam Speaker. Members of the House, I hadn't intended on speaking on this bill. I'll be very brief. As a matter of fact, until about an hour ago, I had intended on voting against this amendment. I was convinced to vote for this amendment by the member from Amherst when he opposed the Article IV. The fact is we have voted, in the majority, to impeach Judge Brock on Article IV which had to do with recusal. We would be hypocrites if we did not also vote to impeach the other justices who have taken part in this. What's wrong is wrong. What's illegal is illegal. What's impeachable is impeachable. The excuse that we've been hearing here is that it's policy; it's been going on for years. It reminds me of the time I was in 8<sup>th</sup> grade. I got caught skipping school and tried to say that Tommy Gallagher did, too, and it is the same thing. This is ridiculous. Any one of us would send our children to their room for coming up with this excuse. Again, I'll just close with another cliché, if I may, if you'll bear with me: What's good for the goose is good for the gander. We've voted in the majority to impeach Judge Brock for his policy of recusal. Judge Horton also did it. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Dickinson, you may inquire.

Rep. Dickinson: Thank you, Madam Speaker. Sir, I take it then that you feel that both Horton and, at least we're talking about just Horton, that Judge Horton is equally culpable of this questionable recusal policy and should be punished in some way. Is it correct, it is my understanding and do you agree, that if we were to impeach him and the Senate decides, no, that's too serious, that they would be in a position to reduce this to reprimand?

Rep. Brothers: It would be up to the Senate to decide. They can refuse to remove him. They can punish him in any way. They can refuse to punish him at all. But, if we don't want to be hypocrites, those of us who voted on Article IV are compelled, right now, to vote for impeachment of Judge Horton. Thank you.

Rep. Dickinson: Thank you, Madam Speaker. Well, would you believe that I feel that both Horton and Broderick deserve somewhat of a reprimand in any case, a good swift slap up aside the head and I know of no other way of doing this without passing the Mirski amendment. So would you agree that that's a good idea?

Rep. Brothers: Yes, I would.

Rep. Mock: Madam Speaker, members of the House. Thank you for listening one more time. I rise in opposition to this amendment and I rise because impeachment is a very serious thing. Justice Brock was not impeached on just recusal and, furthermore, furthermore the recusal policy is administered by the Chief Justice, not by the justices. It was up to the Chief Justice to change that policy and he could have done it with the snap of a finger or the stroke of a pen. Article 73-a asks you today to do your constitutional duty one more time because 73-a says the Chief Justice of the Supreme Court shall be the administrative head of all the courts. Whatever Justice Horton did, and he did the recusal bit, whatever he did certainly didn't rise to clear and convincing evidence. As a matter of fact, it didn't even make 51 percent preponderance of the evidence. I ask you to vote down this amendment and accept the committee report. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Carson, you may inquire.

Rep. Carson: Thank you, Madam Speaker. I was wondering if the member could elaborate for me on one point that was made by the previous speaker, once impeached, always impeached. Is that

not correct, that the impeachment itself is not reduced to a reprimand, a warning, a censure, a slap on the wrist? Impeachment is impeachment is impeachment and a trial and conviction and penalties in the Senate are something completely different?

Rep. Mock: You are correct. Once you are impeached, you are impeached. To be impeached is like being a fine piece of china that is cracked, you can never repair it.

Rep. Dudley: Thank you, Madam Speaker. Members of the House, Justice Sherman Horton is the senior justice on the Supreme Court. He is well aware of the canons of judicial conduct which have the force and effect of the law. Supreme Court law 38, the Code of Judicial Conduct, is very clear. A judge should avoid impropriety and an appearance of impropriety in all his activities. A judge should perform the duties of his office impartially and diligently. A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor or fear of criticism. I believe the canons are very, very clear. If a judge shall become aware of unprofessional conduct by a judge or lawyer, he shall in the instance of a judge report his knowledge to the Committee on Judicial Conduct and shall, in the instance of a lawyer, report his knowledge to the Committee on Professional Conduct. A judge should disqualify himself in proceedings in which his impartiality might possibly be questioned, including but not limited to instances where he has a personal bias or prejudice concerning a party or personal knowledge of disputed facts concerning a proceeding. Justice Horton was a friend and a mentor of Justice Thayer, a strong argument for recusal. Justice Horton believed in the collegial atmosphere where people could work together harmoniously. This is fine in most instances but not in the culture of the Supreme Court. Justice Horton believed that editorial... (tape change)... did not violate the code of ethics. He believed it was important to write court opinions properly, even pointing out when commas and punctuation should be properly placed, each "t" must be crossed and each "i" must be dotted, but apparently the language of the canons was not observed. Despite the loose recusal policy of the Supreme Court, the majority of the Judiciary Committee, and these are members that I deeply respect, I have served with this year, and it's very difficult for me to speak against their recommendation today. They stated impeachment was not appropriate for Justice Horton, this despite the fact that the committee did recognize that the canons were violated. Thank you.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment.

## YEAS 135 NAYS 190

### YEAS 135

#### BELKNAP

Boyce, Robert	Czech, Stanley	Johnson, James	Lawton, David
Rice, Thomas	Salatiello, Thomas	Thomas, John	Wendelboe, Francine

#### CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Howard, Godfrey
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	Torresen, Gary

#### CHESHIRE

McGuirk, Paul	Roberts, William
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#### COOS

Davis, Perley	Gallus, John	Tholl, John Jr	Woodward, David
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#### GRAFTON

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Mirski, Paul	Phinney, William
Ward, Brien	Weber, Phil		

#### HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Calawa, Leon Jr

Carlson, Donald  
Desmarais, Vivian  
Fletcher, Richard  
Holley, Sylvia  
Kurk, Neal  
MacGillivray, Jeffrey  
McRae, Karen  
Reeves, Sandra  
Vaillancourt, Steve

Christiansen, Lars  
Drabinowicz, A Theresa  
Flora, Kathleen  
Hunter, Bruce  
L'Heureux, Robert  
Martin, Mary Ellen  
Mendenhall, Leslie  
Sargent, Maxwell

Clegg, Robert Jr  
Fenton, James  
Franks, Suzan  
Jean, Loren  
LaPorte, George  
McCarthy, William  
Milligan, Robert  
Tate, Joan

Clemons, Jane  
Fields, Dennis  
Gorman, Mary  
Keye, Harvey  
LaRose, Richard  
McGough, Tim  
Ouellette, Dean  
Thulander, O Alan

### MERRIMACK

Kennedy, Richard  
Leber, William  
Whalley, Michael

Langer, Ray  
Marple, Richard  
Whittemore, James

Larrabee, David Sr  
St Cyr, Gerard

Lavoie, Gerard  
Virtue, Carolyn

### ROCKINGHAM

Arndt, Janet  
Cox, Russell  
Fesh, Robert  
Henderson, Warren  
Kobel, Rudolph  
Nowe, Mary Lou  
Pitts, Jacqueline  
Raynowska, Bernard  
Welch, David

Belanger, Ronald  
Dearborn, Bruce  
Flanders, David  
Hutchinson, Karen  
Major, Norman  
Nowe, Ronald  
Priestley, Anne  
Stickney, Nancy  
Weyler, Kenneth

Bishop, Franklin  
Dowling, Patricia  
Grant, Kenneth  
Kelley, Jane  
McKinney, Betsy  
Noyes, Richard  
Putnam, Ed II  
Varrell, Thomas

Clark, Vivian  
Downing, Michael  
Hamel, Albert  
Kelley, William  
Moore, Benjamin  
Packard, Sherman  
Rabideau, Marie  
Weare, Everett

### STRAFFORD

Cossette, Larry  
Rogers, Rose Marie  
Woods, Phyllis

DeChane, Marlene  
Rollo, Michael

Gilmore, Gary  
Smith, Marjorie

McKinley, Robert  
Taylor, Kathleen

### SULLIVAN

Jones, Constance  
Tuthill, John

Kibbey, David

Leone, Richard

Phinizy, James

### NAYS 190

### BELKNAP

Bartlett, Gordon  
Rosen, Ralph

Holbrook, Robert  
Russell, David

Millham, Alida  
Turner, Robert

Pilliod, James  
Wood, Jane

### CARROLL

Chandler, Gene

Lyman, L Randy

Mock, Henry

### CHESHIRE

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, John  
Royce, H Charles

Blaisdell, Michael  
Lerandeau, Alfred  
Meader, David  
Richardson, Barbara  
Smith, Edwin

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy  
Zerba, Roger

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Rose, William

### COOS

Guay, Lawrence

Horton, Lynn

Pratt, Leighton

### GRAFTON

Almy, Susan  
Marshall, Gene  
Solow, Martha

Copenhaver, Marion  
Nordgren, Sharon

Guest, Robert  
Picconi, Al

Johnson, Gary  
Scanlan, David

**HILLSBOROUGH**

Andrews, Frederick	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Bergin, Peter	Burkush, James	Chabot, Robert	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Daigle, Robert
Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence	Ford, Nancy
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Hansen, Herbert	Herman, Keith	Jean, Claudette
Johnson, Lionel	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	McCarty, Winston
McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice	Melcher, Harold
Mercer, Robert	Messier, Irene	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Peterson, Andrew	Reidy, Frank	Sarette, John
Simon, Anthony	White, John	Withee, Dennis	

**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Fortnam, Janet	Fraser, Marilyn
Gile, Mary	Hager, Elizabeth	Hess, David	Jacobson, Alf
Lockwood, Priscilla	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Rosenfield, Jay	Seldin, Gloria	Soltani, Tony
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	

**ROCKINGHAM**

Abbott, Dennis	Blanchard, MaryAnn	Bridle, Russell	Carson, Gregory
Christie, Andrew Jr	Clark, Martha	Cooney, Richard	DiFruscia, Anthony
Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila	Gleason, John
Griffin, Mary	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Langone, John
Letourneau, Robert	Morse, Charles	Norelli, Terie	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Reardon, Neil	Sabella, Norma
Sapareto, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Vaughn, Charles
Weatherspoon, Jackie	Whittier, John	Zolla, William	

**STRAFFORD**

Berube, Roger	Bickford, David	Brennan, William	Brown, Julie
Dunlap, Patricia	Estabrook, Iris	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lundborn, Raymond
Musler, George	Pelletier, Arthur	Pelletier, Marsha	Snyder, Clair
Torr, Franklin	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas Jr	Robb-Theroux, Amy
Wiggins, Celestine	Young, David		

and the Mirski floor amendment failed.

Reps. Belvin, Burling, Dalianis and Quandt declared conflicts of interest and did not participate. The question now being the adoption of HR 52.

Rep. Jane Wood: Thank you, Madam Speaker. Members of the House, I just would like to remind you, as I think most people are aware, that the committee was totally attentive to the depositions and the public hearing testimony with regard to Justice Horton. That we were aware that there was behavior that we were extremely unhappy with, but yes, he did speak up about that Thayer divorce panel, even though he was also disqualified and the fact that he would say that he thought it was



really an appointment to the JCC panel really is no excuse. Further, he indicated by his own testimony that he didn't even realize that the grossly inappropriate behavior by Justice Thayer was a problem until Justice Broderick spoke with him about it a week later and yes, he participated in the recusal policy that was a matter of procedure at the time. But, in his defense, we found that Justice Horton was very forthright in the questioning by our special counsel and in the questioning by the committee in public testimony, to the extent that he would even tell things the way they were even though they might have been somewhat self-incriminating. Justice Horton has had an honorable career. He has done very fine work for the people of the State of New Hampshire. His behavior was inappropriate, perhaps unethical, but the committee found, by a clear and convincing vote of 19 to 3, that these mistakes do not in anyway rise to the level of impeachment and we would ask that you would please vote with the committee and pass House Resolution 52, recommending that no article of impeachment be brought against Supreme Court Justice Sherman D. Horton, Jr. Thank you.

Speaker Sytek: Would the Chairman of the Committee yield to a question? Rep. Franks, you may inquire.

Rep. Franks: Thank you, Madam Speaker. Thank you, Representative Mock. One of the things that I think there is a frustration amongst the membership is the feeling that either we do an impeachment or we do nothing. My question to the Chairman is, at the time this discussion was held by the committee was there any discussion of, at the very least, reporting this behavior to the Judicial Conduct Committee by the committee?

Rep. Mock: I had to double check here, some of these cases start running together. Were any other charges considered? Yes, as a matter of fact, the committee took a vote on reprimand on both Justice Horton and Justice Broderick and they did not pass. The reason they didn't pass the committee is because the constitution says you have a choice. You can impeach or you can address, and it wasn't a choice that we had. I happen to disagree with that, but that doesn't matter, perhaps that's the case. In other words, we had one hard choice to make, impeach or nothing.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of House Resolution 52.

## YEAS 187 NAYS 134

### YEAS 187

#### BELKNAP

Holbrook, Robert	Millham, Alida	Pilliod, James	Rosen, Ralph
Russell, David	Salatiello, Thomas	Turner, Robert	Wood, Jane

#### CARROLL

Chandler, Gene	Mock, Henry	Philbrick, Donald
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#### CHESHIRE

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	Meador, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Robertson, Timothy	Rose, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	

#### COOS

Guay, Lawrence	Horton, Lynn	Pratt, Leighton
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#### GRAFTON

Almy, Susan	Copenhaver, Marion	Guest, Robert	Johnson, Gary
Marshall, Gene	Nordgren, Sharon	Picconi, Al	Scanlan, David
Solow, Martha			

#### HILLSBOROUGH

Andrews, Frederick	Arthur, Rose	Baroody, Benjamin	Bergin, Peter
Burkush, James	Chabot, Robert	Coughlin, Pamela	Craig, James
Drabinowicz, A Theresa	Dwyer, Paul Sr	Dyer, Merton	Emerton, Lawrence

Fenton, James  
 Foster, Linda  
 Goley, Jeffrey  
 Hall, Betty  
 LaPorte, George  
 Lynde, Harold  
 McDonough-Wallace, Alice  
 Moran, Edward  
 Nolan-Piteri, Dawn  
 Reidy, Frank  
 Withee, Dennis

Fields, Dennis  
 Gagnon, Eugene  
 Goulet, Maurice  
 Hansen, Herbert  
 Lasky, Bette  
 McCarty, Winston  
 Melcher, Harold  
 Moriarty, Mary  
 O'Connell, Timothy  
 Sarette, John

Flora, Kathleen  
 Garrish, Linda  
 Haettenschwiller, Alphonse  
 Jean, Claudette  
 Leishman, Peter  
 McColgan, Philip Jr  
 Mercer, Robert  
 Mosher, William  
 O'Hearn, Jane  
 Simon, Anthony

Ford, Nancy  
 Ginsburg, Ruth  
 Haley, Robert  
 Johnson, Lionel  
 Lozeau, Donnalee  
 McDonald, James Sr  
 Messier, Irene  
 Murphy, Robert  
 Peterson, Andrew  
 White, John

## MERRIMACK

Anderson, Eric  
 Chase, George  
 Gile, Mary  
 Lockwood, Priscilla  
 Potter, Frances  
 Rosenfield, Jay

Asplund, Bronwyn  
 Daneault, Gabriel  
 Hess, David  
 Marshall, Kenneth  
 Poulin, Dave  
 Wallin, Jean

Bouchard, Candace  
 Fortnam, Janet  
 Jacobson, Alf  
 Moore, Carol  
 Reardon, Tara  
 Wallner, Mary Jane

Brewster, Richard  
 Fraser, Marilyn  
 Larrabee, David Sr  
 Nichols, Avis  
 Rodd, Beth  
 Yeaton, Charles

## ROCKINGHAM

Abbott, Dennis  
 Carson, Gregory  
 Cox, Russell  
 Flanagan, Natalie  
 Johnson, Robert  
 Langley, Jane  
 Morse, Charles  
 Pitts, Jacqueline  
 Shultis, Elizabeth  
 Vaughn, Charles

Belanger, Ronald  
 Christie, Andrew Jr  
 Dearborn, Bruce  
 Francoeur, Sheila  
 Kane, Cecelia  
 Langone, John  
 Noyes, Richard  
 Sabella, Norma  
 Splaine, James  
 Weatherspoon, Jackie

Blanchard, MaryAnn  
 Clark, Martha  
 DiFruscia, Anthony  
 Griffin, Mary  
 Katsakiores, George  
 Letourneau, Robert  
 O'Keefe, Patricia  
 Sapareto, Frank  
 Stone, Joseph  
 Whittier, John

Bridle, Russell  
 Cooney, Richard  
 Downing, Michael  
 Hutchinson, Rebecca  
 Katsakiores, Phyllis  
 Major, Norman  
 O'Neil, Michael  
 Shelton, Richard  
 Varrell, Thomas  
 Zolla, William

## STRAFFORD

Berube, Roger  
 Dunlap, Patricia  
 Johnson, Nancy  
 Pelletier, Arthur  
 Torr, Franklin  
 Wall, Janet

Bickford, David  
 Estabrook, Iris  
 Kaen, Naida  
 Pelletier, Marsha  
 Twardus, Joseph

Brennan, William  
 Grassie, Anne  
 Lundborn, Raymond  
 Rogers, Rose Marie  
 Vachon, Dennis

Brown, Julie  
 Heon, Richard  
 Musler, George  
 Snyder, Clair  
 Vincent, Francis

## SULLIVAN

Allison, David  
 Robb-Theroux, Amy

Cloutier, John  
 Wiggins, Celestine

Donovan, Thomas Jr  
 Young, David

Leone, Richard

## NAYS 134

## BELKNAP

Bartlett, Gordon  
 Lawton, David

Boyce, Robert  
 Rice, Thomas

Czech, Stanley  
 Thomas, John

Johnson, James  
 Wendelboe, Francine

## CARROLL

Babson, David Jr  
 Lyman, L Randy

Bradley, Jeb  
 Patten, Betsey

Dickinson, Howard  
 Sullivan, P Judith

Howard, Godfrey  
 Torressen, Gary

## CHESHIRE

McGuirk, Paul

Roberts, William

## COOS

Davis, Perley

Gallus, John

Tholl, John Jr

Woodward, David

**GRAFTON**

Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Gilman, G Michael	Hall, David	Ham, Bonnie
Harmon, Hobart	Hinman, Harry	Mirski, Paul	Phinney, William
Ward, Brian	Weber, Phil		

**HILLSBOROUGH**

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Bergeron, Lucien	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Clemons, Jane	Cote, David	Cote, Peter	Daigle, Robert
Desmarais, Vivian	Fletcher, Richard	Franks, Suzan	Gorman, Mary
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Keye, Harvey	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Leonard, Peter	MacGillivray, Jeffrey	Martin, Mary Ellen
McCarthy, William	McGough, Tim	McRae, Karen	Mendenhall, Leslie
Milligan, Robert	Ouellette, Dean	Reeves, Sandra	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Vaillancourt, Steve	

**MERRIMACK**

Hager, Elizabeth	Kennedy, Richard	Langer, Ray	Lavoie, Gerard
Leber, William	Marple, Richard	Seldin, Gloria	Soltani, Tony
St Cyr, Gerard	Virtue, Carolyn	Whalley, Michael	Whittemore, James

**ROCKINGHAM**

Arndt, Janet	Bishop, Franklin	Clark, Vivian	Dowling, Patricia
Fesh, Robert	Flanders, David	Flanders, John Sr	Grant, Kenneth
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Kelley, Jane
Kelley, William	Kobel, Rudolph	McKinney, Betsy	Moore, Benjamin
Norelli, Terie	Nowe, Mary Lou	Packard, Sherman	Pantelakos, Laura
Priestley, Anne	Putnam, Ed II	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Stickney, Nancy	Stritch, C Donald	Weare, Everett
Welch, David	Weyler, Kenneth		

**STRAFFORD**

Cossette, Larry	DeChane, Marlene	Gilmore, Gary	Keans, Sandra
McKinley, Robert	Rollo, Michael	Smith, Marjorie	Taylor, Kathleen
Woods, Phyllis			

**SULLIVAN**

Jones, Constance	Kibbey, David	Phinizy, James	Tuthill, John
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and House Resolution 52 was adopted.

Ordered to third reading.

Rep. Neil Reardon voted Nay and intended to vote Yea.

Reps. Belvin, Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

**PROTEST**

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

The New Hampshire House, in HR 50 charged the Judiciary committee to investigate whether impeachment or other actions were called for in relation to the revelations by the Attorney General and others of questionable actions committed by the State Supreme Court. The charge was to seek and follow the information available and did not limit the scope of that investigation. Rather the committee was expected to follow the information they found where ever it led.

In the actions taken by the committee during the investigation it is clear that this charge was disregarded by the chair and other members, in fact only a minority of the committee sought to follow

that information completely. That chairman Mock and the majority of the committee refused to subpoena either former justice Souter or Michael O'Malley are examples of what I believe to be an attempt to shield from the scrutiny of the Legislature and thereby the public certain current and past members of the Judiciary, the Executive and perhaps the Legislative branches of the state government.

Had Mr. O'Malley been publicly questioned about how he came to know, before the Attorney General, details about what would be reported to the AG by Clerk Zibel, would we find collusion between the Governor and members of the Court or its staff? Would questioning Justice Souter have exposed further depth of the problems just now being exhumed? Or would the integrity of the US Supreme Court be questioned if it were learned that the flaws in judgment exhibited by members of our Court had parallels and precedents there? Unfortunately we may never know.

Would a wider investigation reveal as fact what many believe, that those responsible for the cover-up of the corruption of Judge Fairbanks have been elevated to the highest levels in this state and that these people cannot stand scrutiny in the light of day and are in a position to thwart the Legislature's investigation?

We are here today voting on the recommendations of the committee concerning their investigation. I for one am not satisfied that this investigation has been thorough nor without bias. That many members of the committee are also members of the Bar and others derive their income from or are married to other members of the Bar leads me to wonder whom these members are serving – their constituents or the Unified Bar.

Under these circumstances I must hereby enter my protest to our actions today.

### HOUSE RESOLUTION NO. 53

recommending that no article of impeachment be brought against supreme court justice  
John T. Broderick, Jr.

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist...to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the New Hampshire house of representatives adopt the following resolution relative to justice John T. Broderick, Jr; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found no clear and convincing evidence that justice John T. Broderick, Jr. has acted in such a way as to require the house, acting under Part II, Article 17 of the New Hampshire constitution, to make and send to the senate an article of impeachment, and accordingly moves that no article of impeachment be brought against justice John T. Broderick, Jr. Rep. Janet Wall moved Ought to Pass.

Rep. Mirski offered a floor amendment.

### Floor Amendment (4810h)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION recommending impeachment of supreme court justice John T. Broderick, Jr. Amend the resolution by replacing all after the title with the following:

Whereas, the New Hampshire house of representatives has directed its judiciary committee "to investigate whether grounds exist ... to impeach chief justice David A. Brock and/or any other justice of the New Hampshire supreme court"; and

Whereas, the house judiciary committee has conducted such investigation, and it hereby moves that the house adopt the following resolution relative to justice John T. Broderick, Jr.; now, therefore, be it

Resolved by the House of Representatives:

That the judiciary committee has found that the house, acting under Part II, Article 17 of the New Hampshire constitution, has cause to request the senate to exercise its powers under Part II, Article 38 of the New Hampshire constitution to conduct a full and impartial trial to determine whether justice John T. Broderick, Jr., of the supreme court of New Hampshire, should be convicted and removed from office if the senate concludes that he has committed any or all of the acts enumerated in the article of impeachment below, which the house has determined, if proved, constitutes an impeachable offense as set forth in Part II, Article 38 of the New Hampshire constitution:



## ARTICLE I

That during the period from his appointment as an associate justice of the New Hampshire supreme court to the present, Justice John T. Broderick, Jr. engaged in conduct which corrupted the supreme court's capacity to dispense impartial justice and to insure the right of every New Hampshire citizen to equal protection under the law. Justice Broderick has done so by participating in a process whereby disqualified justices were permitted to receive draft opinions for cases before the court and to attend case conferences which enabled them to comment on and influence opinions from which they were recused and disqualified. Specifically, he committed one or more of the following acts:

1. Engaged in a pattern of acts, and allowed the continued existence of an implicit secret policy at the supreme court whereby the justices did or were allowed to do one or more of the following:

A) recused, disqualified or non-participating judges were allowed to comment, or provide input, orally or in writing, on matters from which they were disqualified, recused or in which they purportedly did not participate;

B) recused, disqualified or non-participating judges were provided with draft copies of decisions of cases from which they were disqualified, recused or in which they purportedly did not participate, before the ordinary citizens were allowed to do the same;

C) recused, disqualified or non-participating judges were allowed to attend conferences where cases from which they were disqualified or in which they did not participate were discussed and decided;

2. As the administrative head of the New Hampshire supreme court, he permitted a secret policy whereby he individually or in concert with other justices did one or more of the following acts:

A) allowed the opinions and decisions of the court to be published as per curiam opinions and falsely purported that a particular disqualified justice had not sat nor participated in the said opinions, where in fact the said justice had participated in the said decision and had, on occasion, in fact authored the said decision;

B) allowed the opinions and decisions to be published indicating that a certain justice or certain justices had not participated in the progress of the case where in fact they had, thereby misinforming, and misleading the people of the state and the litigants in the matter and creating a false historical record.

That because of justice John T. Broderick, Jr. failure to insure that the dispensation of impartial justice and equal protection under the law has been uniformly afforded to those who had cases before the New Hampshire supreme court, the New Hampshire house of representatives finds that justice John T. Broderick, Jr. has committed an impeachable offense warranting trial by the New Hampshire senate.

## AMENDED ANALYSIS

This house resolution recommends that one article of impeachment be brought against justice John T. Broderick, Jr., of the New Hampshire supreme court.

## DEBATE ON FLOOR AMENDMENT

Rep. Mirski: Thank you, Madam Speaker. Same argument, different judge. Thank you.

Rep. Vaillancourt: Thank you, Madam Speaker. I rise in favor of the Mirski floor amendment and I do so somewhat perplexed because I realize that we are now truly on the horns of a dilemma, having voted to impeach one justice and then voted not to impeach another. We have the third we are now considering and I'll go quickly, but not quite as quickly as my predecessor. About 10:00 this morning, for the second time this year, I felt a shiver run up and down my spine as I looked at the American flag and recited the words of the Pledge of Allegiance, which I think, you, like me, take for granted all too often when we say those words. They just become something we do and probably don't even think about them. But when we got to those final words today they meant something to me, like they meant something to me back in February when, I believe it was the day before the Michigan primary, I was listening to John McCain speaking about one of his colleagues in the Hanoi Hilton who gathered red, white and blue material to sew a flag together so that the prisoners in Hanoi could salute when they said the Pledge of Allegiance and then, as related by Senator McCain, the North Vietnamese found that he had created this flag and came and beat him bloody because he had done this in the name of freedom and justice for all. But, the very next day,

he went back and started gathering the three threads together, the red, the white and the blue, even though he had been bloodied by the North Vietnamese so that he could start the process again. After hearing a story like that, the words of the Pledge of Allegiance have meaning and when we get to those words, "with liberty and justice for all" they had meaning for me once again this morning after so many times of hearing them over the last three months when they did not have that meaning. Chief Justice David Brock, who now stands impeached on four counts before this great House, did not act in a vacuum. He did not act alone. He should not take the fall alone for what has happened to the judicial system in this state. Justice Broderick maybe is not totally as guilty as Chief Justice Brock. But let's compare it to the conspiracy of murder and I use those words with some reluctance. but you know, if somebody drives the get-away car in a murder conspiracy, according to the law that individual is just as culpable, every bit as culpable, as the man who actually pulled the trigger. So, if we say that Chief Justice Brock pulled the trigger on the judicial system and sent it spiraling into disgrace, we have to say, with all good conscience, that Justice Broderick was, at the very least, waiting to drive the get-away car. With "liberty and justice for all," I certainly hope so. I've been very disturbed by several of the arguments that swirled around the Judiciary Committee in the past several weeks, and some that were even offered here today. We should not take action against Justice Broderick because he is an intellectual, we were told by one member of the committee, because he is a kind person, a sincere person. We are not here today to judge whether David Brock or Justice Broderick are kind people, are intellectuals, are sincere people, whether they in fact admitted that they had made wrongs. If somebody were to commit a murder and then admit that he was guilty and apologized, we wouldn't let him off scot-free. If so, we could just open the doors of the prisons and let everybody go free. We should hold the justices of our courts to at least that high a standard. An intellectual, a kind person, a sincere person, somebody who comes across with great qualities before the Judiciary Committee, that does not lessen the guilt that they bear one iota. Let's not be side tracked by these issues as the Chairman of the Judiciary Committee has pointed out time and again to us today. This House is serving merely to send this matter on to the Senate where they can, in fact, determine if the proper punishments for Justice Brock and Justice Broderick are the same. There is culpability in this justice. I say to you, as the member from Laconia was quoted as saying, "If not for Howie Zibel, Justice Broderick would never have come forward." It wasn't merely a wait of 14 days. He could have waited 14 years and if not for Howie Zibel he would never have come forward to report the actions, not even when Justice Thayer threatened him. Can you imagine a justice being threatened by another and still not coming forward? If you, in your heart, believe he would have come forward, by all means vote against this amendment. But, if you, in your heart, look deep inside and judge that he would not have come forward, then I say you have to convict him in this House. Just think about it. He is like somebody who is driving with a speeder, going 75 miles an hour. We know that's illegal in this state don't we? Well, he wasn't caught by the police, 14 days later did he turn himself in? No. And I say to you 14 years later he wouldn't have turned himself in either. This is something that would have gone completely by the board had it not been for that hero, Howie Zibel. For us to let this justice off, simply because we consider him an intellectual, or a fine person or somebody who served this state well or somebody who has apologized, that is tantamount to jury nullification. We have no right to do that any more than a jury, led by one of these judges, perhaps, would have a right to deem that somebody murdered somebody else and yet say, "Oh I think he's an honorable man. He went 20 years without murdering anybody, so now we have to let him go." The speaker from Laconia that preceded me seemed to be saying that in regard to Justice Horton, ignorance of the law is an excuse. We all know that for you, or me, or the most common lay person, ignorance of the law is no excuse. How can ignorance of the law be an excuse for one of the top five judicial officials in this state? Liberty and justice for all, for you and me and certainly for those men who we approve to serve on the Supreme Court. You know, I was thinking a lot this past weekend as I was trying to come to the best analogy as to how this whole matter came down and I thought of how Justice Broderick was saying that he didn't want to be the one to put the final bullet in his friend, Justice Thayer. That is an indictment in itself. If you know somebody is guilty, you have to come forward and provide that evidence. When I was in high school, we did a little skit for winter carnival and it has a gun involved so I guess it is only fitting that I analogize with the bullet theory of Justice Broderick. There was this woman who walks into a saloon and shoots up the place and then she goes into a song. Maybe you know it, goes, "I didn't know the gun was loaded and I'm so sorry my friends. I didn't know the gun was loaded, and I'll

never, ever do it again." I suggest to you that Justice Brock and Justice Broderick both knew the gun was loaded and they didn't want to point it at their friend, Justice Thayer so what they did to that gun is, they pointed it at the judicial system of this state, at every one of us and they fired that gun and if we let them get away with it today, even though Justice Broderick may only be the get-away car driver, then we have failed to do the duty for every other individual in this state, people like Carl Graf who because of the arrogant nature that the court has engendered are languishing in our prisons, because if you read this article in the Laconia Citizen recently, this same kind of thing is happening all over because this kind of mentality has been allowed to happen by Broderick, by Brock and by everybody. They didn't want to load the gun and shoot it at each other, so they unloaded it on us and now we have a responsibility to say "yes" to the Mirski amendment. Thank you.

Speaker Sytek: Would the member yield to a question? Rep. Jane Wood, you may inquire.

Rep. Jane Wood: Thank you, Madam Speaker. I'm just wondering if possibly you would recognize that your memory isn't exactly perfect at times either, because when you quoted my saying, if Mr. Zibel hadn't reported, I think you said that Justice Broderick would never have reported, we wouldn't know, I said, "I wasn't sure if we would know." It was in the midst of the deliberations. I certainly didn't say it the way you put it forth and I have a very different opinion from all of the work that we have done from what you have just presented.

Rep. Vaillancourt: Well, thank you, perhaps I was giving you more credit than you deserve, but I was quoting, in fact, I was quoting what I read in the Sunday News. In fact, I was thinking this very thing, myself. I was thinking, you know, this idea that he would have come forward and reported it. I thought, no, that never would have happened if Howie Zibel hadn't done it and then I read in the paper that you, the honorable Representative, had said something like that, so I was trying to give you great credit for analogizing to that degree. Did you not say something to the effect that Howie Zibel was a hero and if he had not brought this forward, it probably never would have come forward? Is that not the case?

Rep. Jane Wood: It was a matter that I brought it forth as though it were a question in my mind as to what would have happened but we had a lot of deliberating to follow that issue. Yes, I did wonder but I didn't state it the way you had put it forth originally. I think the thing is this is an issue that is the problem with the whole affair is in how a person perceives things, how a person states things and how a person remembers things. The fact is, we need to remember what we are talking about with impeachment. It is a very serious matter and if we take that lightly we are going to be in a sorry state because our three branches of government have got to be separate and equal. Thank you.

Speaker Sytek: Would you yield to another question? Representative Arnold, you may inquire.

Rep. Arnold: Thank you, Madam Speaker. Representative, I'm going to ask you to do something and then answer a question. Would you read Arabic number two of Article I and tell me if you think it is true.

Rep. Vaillancourt: What page are you on now?

Rep. Arnold: Page 1624, Article I, Arabic number two. It's the second from the bottom line on the page.

Rep. Vaillancourt: As the administrative head of the New Hampshire Supreme Court?

Rep. Arnold: Yeah. Do you think that's true?

Rep. Vaillancourt: He permitted a secret policy whereby he individually or in concert with other justices did one or more of the following acts?

Rep. Arnold: Yes. Do you think Justice Broderick is the administrative head of the New Hampshire Supreme Court? You're urging me to vote on this thing.

Rep. Vaillancourt: He individually or in concert with other justices did one or more of the following acts...

Rep. Arnold: I'm not arguing the acts. My question is, do you believe that first phrase up to the comma is true? Or, do you think Justice Brock might be the administrative head?

Rep. Vaillancourt: Well, Justice Brock is the head of the Supreme Court. As I pointed out in my comments, the fact that somebody is the head means perhaps that they are more culpable but other culpability still flows down to the other people involved in these processes.

Rep. Arnold: I've heard the argument. I'm not in an argument. I'm merely asking you a question. Do you believe that Justice Broderick is the administrative head of the New Hampshire Supreme Court?

Rep. Vaillancourt: The Chief Justice is the head of the, the administrative head of the New Hampshire Supreme Court.

Rep. Arnold: Then is not this in error?



Rep. Vaillancourt: Yes, I would say it is and I'm sure if you wish to offer an amendment, to remedy the error we can do that.

Speaker Sytek: Will the member yield to a question? Rep. Dickinson, you may inquire.

Rep. Dickinson: I'm sure you are aware that a while ago that the Supreme Court came to a decision, clearly to finding recusal policies for our municipal boards and commissions. For example, if there is a conflict of interest on the board of selectmen in a town, that person must excuse or recuse themselves and they can have absolutely nothing to do with the subject. Now, the same thing applies to planning boards and conservation commissions and so on and so forth. Don't you find it curious that the Justices found it difficult to follow their own advice?

Rep. Vaillancourt: I find it curious that, once again, we are living in a society where we are under the impression that we have equal liberty and justice for all. For one group of people who are sworn to uphold justice to put themselves above the system of justice is especially disturbing. That's why in response to my colleague from Laconia, I was going to say we are definitely taking this seriously and I believe most of us, through the graces of Channel 11, have had a chance to watch all of this and even though we weren't there in those rooms, that room for all those days, we took it equally as seriously and found it equally as disturbing for just that kind of instance.

Speaker Sytek: Would the member take another question? Rep. Gary Johnson, you may inquire.

Rep. Gary Johnson: Thank you, Madam Speaker. Thank you, Representative. My question is short and simple. If, when the Judiciary Committee finished their work and they only had one article, not four, one, and that article had to do with recusal, do you think he would have ever been impeached, Justice Brock?

Rep. Vaillancourt: Well, these hypothetical questions are all very well and interesting, but I subscribe to the idea that every individual in this House has an equal vote. I do realize that committees are very important, but we have already overturned the Judiciary Committee on one very important vote by a very, very wide margin today. So, to answer your hypothetical, I would say that it is imperative upon each and every one of us to decide how we are going to vote, regardless of any particular committee recommendation. I've never been one enamored with somebody who gets up and says, "Will you follow the 18 to 3 vote of my colleagues on this committee?" We all have a responsibility to make up our own minds so I think the hypothetical falls short in that regard.

Speaker Sytek: The Chair recognizes Rep. Keith Herman for a parliamentary inquiry.

Rep. Keith Herman: Thank you, Madam Speaker. Madam Speaker if I know that there may be a typographical mistake in the proposed floor amendment, would a motion to table this now be in order so a proper amendment can be brought be for us?

Speaker Sytek: A motion to table is in order. It is non-debatable. If the member wishes to have an amendment drafted that he could offer at a subsequent time, he could be recognized to table it and then the House would have to vote to table it on a majority. Then, at some subsequent time, before we go home, it would be in order to take it off the table and act on it then.

### **MOTION TO LAY ON THE TABLE**

Rep. Mirski moved that Floor Amendment numbered 4810h, be laid on the table.

#### **(Clerk's note)**

Speaker Sytek informed the members that by voting to lay the floor amendment on the table, they would also be tabling House Resolution No. 53.

On a division vote, 131 members having voted in the affirmative and 190 in the negative, the motion failed.

### **DEBATE ON FLOOR AMENDMENT (CONT'D.)**

Rep. Carson: Thank you, Madam Speaker. Had I immediately followed Rep. Mirski, I would just have said "ditto" and I guess "ibid" would probably be incorrect because that would diminish his statement to being just a footnote. So, I would say for the same reasons that we discussed before, we should vote the same way that we did prior to this vote for the last article. And I would just ask for people to think, especially the 135 people who voted in favor of the Mirski amendment last time, think of when knowing all the rules and how the rules are practiced, have you ever thought, have you ever made a mistake or have you not known or done something unintentionally and have you ever done something innocently or unintentionally? Obviously you all agree, I'm sure, but I'll challenge you with this thought and then I'll finish. Just a few moments ago, in a previous article



on the House Resolution, I recused myself. I would ask that all of the people who voted in the 135 to tell me or to think before you vote this time if you as a member of this House recuse yourself, do you sit in your chair? Do you turn the light on? Do you turn the light off? Do you sit in the gallery? If you don't know that answer right this moment and there is a gray area in your mind, think of the practice, the consistent 20 year, procedure that was applied in the court, whether you like it or not. Honestly say to yourself before you press the button, I know the answer as it applies to myself, never mind how it applies how to somebody else. Thank you, Madam Speaker.

Rep. Soltani: Thank you, Madam Speaker. The hour is getting late and the House is beginning to act in a strange manner. By that, I am going to refer to one of my favorite writers and he coined the phrase of "doublethink" and that means the power of holding two contradictory beliefs in one's own mind, simultaneously, and accepting both of them. That means that the person who can do this can re-write history and have no doubt in his own mind that there is a contradiction with history. Doublethink absolves you from having any conscience and I wonder if we are prepared to do just that, to begin the practice of doublethink. We know, we know Judge Broderick does not get a clean bill of health, yet we are sitting here telling ourselves, yes he does, yes he does. It is fascinating. You look at the articles. These are irrefutable facts. He did engage in a pattern of conduct whereby disqualified judges commented and tried to affect the outcome of the cases, the very core of the cases, unbeknownst to the people that were litigating the matters. Never told them. That is again the difference between princes and peasants. That is not refutable. That's not challenged. He did, as a judge himself, participate in at least two cases whereby he himself, by his own disclosure, after the Attorney General's report, said that he was disqualified from. During the hearings, I offered him the opportunity. Judge Broderick, you say in your disclosure you were disqualified from these judges, from these lawyers cases, yet you sat on them and on these cases it says Broderick participated. Do you have a response? "No." I'm still waiting for an answer. The only way we can close our eyes, the only way we can walk away and say he gets a clean bill of health is if we become Orwellian, rewrite history and engage in doublethink. That's the only way. And that's what these folks have done. You see, with the stroke of a pen they said Thayer, J. did not participate. They rewrote history. That part of our history is gone forever. We will never know who really participated in those cases. We never know who really wrote those cases. You see, Thayer, J., who supposedly did not participate, had actually written those cases and he so testified. Broderick confirmed it. Brock confirmed it. They all had an obligation to report. What about the Zibel issue? The Thayer case where Judge Brock comes in illegally, and announces to four disqualified, three disqualified judges, well, I'm going to go with X and Y. Completely illegal and they know it; they sit there and watch him. He asks for input. Broderick so testified and Broderick knew it was illegal. They gave input yet none of them did anything. It goes until Friday. Zibel comes in and says, "Look I'm going to file a report." Broderick says, "I have decided not to." Now you're going to hear the spin. The spin is, well, there is no mandate, there is no time limit on how long you have to report misconduct by a judge. That's the spin you see, and it worked well with a case called *Home Gas*. They sat on it until the time limit had expired and then here we are 13 years later trying to dig it up. Do you really think for a moment that had Zibel not done what he did we would have found out about that episode? No. Judge Broderick openly, overtly, clearly told Zibel, "I am not going to go with it. I am not going to report." Period, paragraph, end of the story. Later, Zibel says "Look, I'm going to go with this." And Judge Broderick says, "If you go with this it is going to ruin Judge Brock's career, it is going to ruin Judge Thayer's career and it is going to bring shame on the court." Therefore, what is the natural message that you get? A superior telling his subordinate, these are all the ills that you will cause if you tell the people the truth. The answer is don't ... (tape change) ... when a superior is telling you that. He did that with the clear intent of discouraging Howie Zibel from going forward as he was doing and Howie Zibel described his experience. It was a living hell, make no mistake about it. We know he was going through a living hell. He didn't get any assistance from Judge Broderick, none at all. Until it was good well and clear into the episode of Howie Zibel having blown up the institution, nothing was done by Judge Broderick. Now we have papers. We have testimony. It cannot be challenged in any way that they broke the canons of ethics, they broke the law and they failed to report as they were obligated to do. That includes Judge Broderick. What are we going to do? We only have a choice between two things, doublethink and think. I'm going to think. There is no way I can look at this evidence and say it didn't happen. It did happen and what are the responses that we've gotten? Well, he's a compas-

sionate man. He is. I don't doubt it, but compassion is not a mutually exclusive quality from being a judge. In other words, you can be a judge and compassionate at the same time. Well, he's talented. True, that means he knew better. Well, he's intelligent. True, that means he definitely knew better. They are asking you, well, give these up and just look the other way, re-write history, do what we've done in the Supreme Court, follow our example. Wrong this is what the instructions are that they give to the jurors every day in this state. It is up to you to decide the facts in this case. You must decide the facts, solely from the evidence in this trial. You must apply the law given to you in these instructions to the facts and in this way reach a fair and just verdict. You should decide the facts in this case without prejudice, without fear, without sympathy. You should decide this case solely based on the evidence presented and the law as explained to you. That's what the judges are telling jurors and when it comes to us doing the same, we're told, "Doublethink. Re-write history." Well, when Orwell wrote that, he wasn't exactly establishing what we in the New Hampshire Legislature might do years later. I like something better that was written by George Washington in a letter that was written in 1789, and that was, "The administration of justice is the firmest pillar of government." That is what has been betrayed in this process and unless we revive it, unless we reclaim it and today is the vote, here is the place and now is the time. We don't have a choice. We can't just walk away. We can't doublethink. Thank you, Madam Speaker.

Speaker Sytek: Would the member yield to a question? Rep. Boyce, you may inquire.

Rep. Boyce: Thank you, Madam Speaker. Representative, I was out of town until late last night, but did I hear on the news this morning, maybe it was before that because I haven't kept up, did I hear there is now evidence that has been turned over by the Supreme Court which was withheld either on purpose or not, which shows in Broderick's handwriting, his own handwriting, on draft cases on which he was recused, comments that he wrote on cases in which he was not participating or not sitting? Is that not what I heard this morning on the news?

Rep. Soltani: I wasn't with you, but what you heard was true if you heard it. If it was the product of delusions then you didn't hear it but I got a feeling that you heard right. Those papers turned up the day after the committee vote. Call it mysterious. Call me suspicious, but they are there and they have Judge Broderick's handwritings on it. They have nothing to do with punctuation or grammar. The testimony that was given to us was if he was disqualified from a case, he would only comment on punctuation and grammar. Those documents contradict that testimony.

Rep. Craig: Thank you, Madam Speaker. I wasn't prepared to address this, but I was asked to and so hopefully I'll be brief because I'm as sick of being up here as you are of seeing me up here, but I want to first point out, with regard to Justice Broderick, that he was not on the court when the *Home Gas* matter took place, nothing to do with Judge Broderick. With regard to the recusal, I voted not, I voted against Article IV on the recusal and, as was pointed out, to find that Justice Broderick was responsible for the recusal policy would be in effect to say that he is the Chief Justice of the Supreme Court. But Article 73-a clearly says that the Chief Justice of the Supreme Court shall be the administrative head of all the courts; he shall, with the concurrence of the majority of the Supreme Court, make rules governing the administration of all the courts, etc. If the Chief Justice does not make the initiative then no one has to concur with him. He clearly has a higher duty and a higher burden with regards to the court's rules than the other justices. The committee felt that that was the case and that's why Justice Broderick's participation with regard to recusal was not an impeachable offense and I still think that's true. With regard to the paper work that was recently found at the Supreme Court, I don't have it in front of me. Like I said, I wasn't prepared to look at all the evidence today, but there is no evidence that Justice Broderick had anything to do with withholding that, those documents. All I know is that they appeared today. With regard to the February 4<sup>th</sup> incident, Justice Broderick was there. He recognized, he testified that he recognized, that a serious problem had taken place. He admitted that. He spoke to Howard Zibel. He spoke to Eileen Fox, and he said, "Look, something is wrong here. What am I going to do about it?" And for two weeks, 14 days, he told us what his thought process was. He said, "I thought about the Chief Justice, about his career. I thought about Justice Thayer, what he had gone through with his divorce and that he knew that he was under the gun." And he thought about that. He thought about the court and the ramifications of the court and he thought about Howie Zibel and what he was going through and, as a matter of fact, I think Howard Zibel testified that Justice Broderick, he never got the feeling that Justice Broderick ever tried to force him not to report his memorandum. As a matter of fact, he said, "Howie, do what you have to do," if I'm not mistaken, I think words

to the effect. That's what he told him and that's what Mr. Zibel testified to. So, when Justice Broderick testified that he did come to the conclusion that he wasn't going to do anything, I said to myself, "Gee, what did you do that for, that was your out. "Say I hadn't made up my mind yet, I don't know what to make of that, why he didn't take that advantage, but I'll give him credit for being honest. That's part of the deal. We're all entitled to understand and to look at the people we are dealing with. He said that, and then he said after he consulted with his attorney he had to reconsider. Whether I would have done the same thing, as fast as he did, I don't know, and you're right, there is a spin to it. We heard testimony, it's not my spin, it was the testimony that we heard because we were concerned about, well, how long do you have to report something that you see that you think is unethical and the answer was you have up until a year to report it. There is no question Howard Zibel reported it first and, you know, you're in the same boat I am. You can believe or not believe that he ever would have reported that. I can't answer that but I chose, the bottom line for me is that I voted to impeach Justice Brock. But I cannot, I couldn't then last week, I cannot today, see where Justice Broderick committed any impeachable offense. And again, I go back to the test that I was giving to myself. What about if a client says to me, what if a client says to me, "It's all fixed, just go and get it fixed anyways?" Can I live with Justice Broderick, Justice Horton still being on the court? And I think that the answer is yes. To say that they are not punished by going through this procedure and having their families go through this procedure and that they didn't learn anything from that, I said it at the hearing, they would have to be dead from the neck up not to have learned anything from this procedure and I don't think that either Justice Horton or Judge Broderick by any means is dead from the neck up. And so, my feeling and my strong feeling is that Justice Horton and Justice Broderick committed no impeachable offense and I ask you to vote with the committee on this issue and against the amendment. Thank you.

Rep. Mock: Madam Speaker, once again, thank you. Members, thank you. I am not going to belabor this. You've heard a lot of rhetoric here, and most of it was rhetoric. Listen, this was the junior justice of the court. He has been there five years. He had a boss, the Chief Justice. The Chief Justice sets the policy. He followed it. Was it wrong? Yes. You know it, I know it and an eighth grader would know it. However, of all the justices, this was the one justice that seemed to us in our committee, the majority of us, to be the most concerned about the practices at the court. And let me reiterate what my good committee member from Manchester just said, there is not one single shred of evidence that Judge Broderick ever, ever, ever tried to dissuade the Clerk of the Court from filing a report to the JCC. I heard that said earlier here in testimony. As far as the late documents that arrived last Friday, I addressed that this morning. Judge Broderick was known as the Mrs. McKenzie on the court. Mrs. McKenzie was his grade school teacher who taught him to love English grammar and so he was the grammarian. Did that give him a right to tinker around with drafts where he was recused? No, it didn't. However, that was the practice of the court which we have all condemned here today by large votes. It wasn't right, but I can tell you that Judge Broderick's integrity, integrity, in our committee, was never in question to the majority and that's important, very, very important. I ask you to vote down this amendment by hitting the red button.

Rep. Mirski: Madam Speaker, I have an amendment which corrects the offending language which the gentlemen from somewhere down country, the town escapes me now, pointed out was in error and if I want to get that language on this proposed amendment, how would I do it?

Speaker Sytek: I've had a chance to look at your amendment, the way it is drafted it amends the amendment that is before us. If we were to adopt the amendment that is before us, it would be on second reading and open to further amendment. At that time, you could offer it if this amendment is adopted. The reason we are not doing it now is that Representative Hunt had asked for the previous question.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment.

**YEAS 145 NAYS 177**

**YEAS 145**

**BELKNAP**

Bartlett, Gordon  
Johnson, James  
Thomas, John

Boyce, Robert  
Lawton, David  
Wendelboe, Francine

Czech, Stanley  
Rice, Thomas

Holbrook, Robert  
Rosen, Ralph



**CARROLL**

Babson, David Jr  
Howard, Godfrey  
Torresen, Gary

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Dickinson, Howard  
Sullivan, P Judith

**CHESHIRE**

McGuirk, Paul

Roberts, William

Smith, Edwin

**COOS**

Davis, Perley  
Tholl, John Jr

Gallus, John  
Woodward, David

Guay, Lawrence

Pratt, Leighton

**GRAFTON**

Akins, Ralph  
Dudley, Terri  
Harmon, Hobart  
Ward, Brien

Alger, John  
Gilman, G Michael  
Hinman, Harry  
Weber, Phil

Brothers, Richard  
Hall, David  
Mirski, Paul

Cobb, John  
Ham, Bonnie  
Phinney, William

**HILLSBOROUGH**

Alukonis, David  
Belvin, William  
Calawa, Leon Jr  
Clemons, Jane  
Fletcher, Richard  
Hansen, Herbert  
Jean, Loren  
LaPorte, George  
Martin, Mary Ellen  
McRae, Karen  
Ouellette, Dean  
Thulander, O Alan

Arnold, Thomas Jr  
Brundige, Robert  
Carlson, Donald  
Desmarais, Vivian  
Flora, Kathleen  
Herman, Keith  
Keye, Harvey  
LaRose, Richard  
McCarthy, William  
Mendenhall, Leslie  
Reeves, Sandra  
Vaillancourt, Steve

Batula, Peter  
Bruno, Pierre  
Christiansen, Lars  
Fenton, James  
Franks, Suzan  
Holley, Sylvia  
Kurk, Neal  
Lefebvre, Roland  
McCarty, Winston  
Milligan, Robert  
Sargent, Maxwell

Beaupre, Roland  
Buckley, Raymond  
Clegg, Robert Jr  
Fields, Dennis  
Gorman, Mary  
Hunter, Bruce  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McGough, Tim  
Nolan-Piteri, Dawn  
Tate, Joan

**MERRIMACK**

Jacobson, Alf  
Lavoie, Gerard  
St Cyr, Gerard

Kennedy, Richard  
Leber, William  
Virtue, Carolyn

Langer, Ray  
Marple, Richard  
Whalley, Michael

Larrabee, David Sr  
Soltani, Tony

**ROCKINGHAM**

Arndt, Janet  
Clark, Vivian  
Flanders, David  
Hutchinson, Karen  
Kobel, Rudolph  
Nowe, Mary Lou  
Putnam, Ed II  
Varrell, Thomas  
Weyler, Kenneth

Belanger, Ronald  
Cox, Russell  
Grant, Kenneth  
Katsakiores, Phyllis  
Letourneau, Robert  
Nowe, Ronald  
Rabideau, Marie  
Vaughn, Charles

Bishop, Franklin  
Dowling, Patricia  
Hamel, Albert  
Kelley, Jane  
McKinney, Betsy  
Packard, Sherman  
Raynowska, Bernard  
Weare, Everett

Christie, Andrew Jr  
Fesh, Robert  
Henderson, Warren  
Kelley, William  
Moore, Benjamin  
Priestley, Anne  
Stickney, Nancy  
Welch, David

**STRAFFORD**

Cossette, Larry  
Rollo, Michael

DeChane, Marlene  
Smith, Marjorie

McKinley, Robert  
Taylor, Kathleen

Rogers, Rose Marie  
Woods, Phyllis

**SULLIVAN**

Jones, Constance  
Tuthill, John

Kibbey, David

Leone, Richard

Phinizy, James



**NAYS 177****BELKNAP**

Millham, Alida  
Turner, Robert

Pilliod, James  
Wood, Jane

Russell, David

Salatiello, Thomas

**CARROLL**

Lyman, L Randy

Mock, Henry

**CHESHIRE**

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, John  
Royce, H Charles

Blaisdell, Michael  
Lerandeau, Alfred  
Meader, David  
Richardson, Barbara  
Zerba, Roger

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Rose, William

**COOS**

Horton, Lynn

**GRAFTON**

Almy, Susan  
Marshall, Gene  
Solow, Martha

Copenhaver, Marion  
Nordgren, Sharon

Guest, Robert  
Picconi, Al

Johnson, Gary  
Scanlan, David

**HILLSBOROUGH**

Andrews, Frederick  
Bergin, Peter  
Cote, Peter  
Drabinowicz, A Theresa  
Ford, Nancy  
Ginsburg, Ruth  
Haley, Robert  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Moriarty, Mary  
O'Hearn, Jane  
Simon, Anthony

Arthur, Rose  
Burkush, James  
Coughlin, Pamela  
Dwyer, Paul Sr  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Leishman, Peter  
McColgan, Philip Jr  
Mercer, Robert  
Mosher, William  
Peterson, Andrew  
White, John

Baroody, Benjamin  
Chabot, Robert  
Craig, James  
Dyer, Merton  
Gagnon, Eugene  
Goulet, Maurice  
Jean, Claudette  
Leonard, Peter  
McDonald, James Sr  
Messier, Irene  
Murphy, Robert  
Reidy, Frank  
Withee, Dennis

Bergeron, Lucien  
Cote, David  
Daigle, Robert  
Emerton, Lawrence  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lozeau, Donnalee  
McDonough-Wallace, Alice  
Moran, Edward  
O'Connell, Timothy  
Sarette, John

**MERRIMACK**

Anderson, Eric  
Chase, George  
Hager, Elizabeth  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

Asplund, Bronwyn  
Daneault, Gabriel  
Hess, David  
Nichols, Avis  
Rodd, Beth  
Whittemore, James

Bouchard, Candace  
Fortnam, Janet  
Lockwood, Priscilla  
Potter, Frances  
Rosenfield, Jay  
Yeaton, Charles

Brewster, Richard  
Fraser, Marilyn  
Marshall, Kenneth  
Poulin, Dave  
Wallin, Jean

**ROCKINGHAM**

Abbott, Dennis  
Clark, Martha  
Downing, Michael  
Gleason, John  
Kane, Cecelia  
Major, Norman  
O'Keefe, Patricia  
Reardon, Neil  
Shultis, Elizabeth  
Tufts, J Arthur

Blanchard, MaryAnn  
Cooney, Richard  
Flanagan, Natalie  
Griffin, Mary  
Katsakiores, George  
Morse, Charles  
O'Neil, Michael  
Sabella, Norma  
Splaine, James  
Weatherspoon, Jackie

Bridle, Russell  
Dearborn, Bruce  
Flanders, John Sr  
Hutchinson, Rebecca  
Langley, Jane  
Norelli, Terie  
Pantelakos, Laura  
Sapareto, Frank  
Stone, Joseph  
Whittier, John

Carson, Gregory  
DiFruscia, Anthony  
Francoeur, Sheila  
Johnson, Robert  
Langone, John  
Noyes, Richard  
Pitts, Jacqueline  
Shelton, Richard  
Stritch, C Donald  
Zolla, William

**STRAFFORD**

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Lundborn, Raymond  
Snyder, Clair  
Vincent, Francis

Bickford, David  
Estabrook, Iris  
Johnson, Nancy  
Musler, George  
Torr, Franklin  
Wall, Janet

Brennan, William  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Arthur  
Twardus, Joseph

Brown, Julie  
Grassie, Anne  
Keans, Sandra  
Pelletier, Marsha  
Vachon, Dennis

**SULLIVAN**

Allison, David  
Young, David

Cloutier, John

Donovan, Thomas Jr

Wiggins, Celestine

and the Mirski floor amendment failed.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate. The question now being the adoption of Ought to Pass on House Resolution 53.

**DEBATE ON HR 53**

Rep. Janet Wall: Thank you, Madam Speaker and good evening. I promise to keep this short. The temptation is great to just say, "Please just vote with the committee." However, I do have a few facts that I want to give to you. This is the final resolution that we're dealing with today. The House Judiciary Committee voted Ought to Pass on this 18 to 4, and you've already heard the opposition. The resolution says that no article of impeachment shall be brought against Justice Broderick. We found no clear and convincing evidence that Justice Broderick acted in any way that could rise to the level of impeachment. We looked at several areas of concern. We did look at the issue of recusal, we looked at the issue of making editorial comments and changes on draft opinions and we looked at the issue of not reporting the February 4<sup>th</sup> incident. First, we found what did not merit impeachment was the fact that Justice Broderick, as the newest justice on the Supreme Court, had only been confirmed a little more than four years ago. The recusal policy had been in place a very long time. As the new justice in the Supreme Court, Justice Broderick did not step forward and say we have to change this recusal policy. He believed what he was doing was the right thing. We have found that Justice Broderick is a very thoughtful man, a man with a conscience. Justice Broderick did study grammar under Mrs. McKenzie as we heard earlier and, when it came to any changes that were made in draft opinions, Justice Broderick would put a comma here or there. He did nothing in any way to alter the court opinions that were coming out of the court. In his professional career, Justice Broderick always focuses heavily on the details, to make certain that everything comes out as it was meant to. Therefore, we found that when it came to the recusal policy we did not find enough fault with Justice Broderick to warrant impeachment. Now, we have all heard that the February 4<sup>th</sup> incident was pivotal in the events leading to the process in which we are engaged today. On February 4<sup>th</sup> Justice Broderick, in fact, testified that he was stunned by the incident, that he was absolutely in a state of shock because of the outburst from Justice Thayer. He was so stunned that he spoke to Eileen Fox about the incident and then decided to take the matter further by discussing the issue with others. However, that weekend he went home and he thought about what to do. What was the right thing to do? He saw something terribly wrong happen but at the same time he saw that a friend of his was deeply emotional and had done something wrong. He'd gone over the line. The following week, Justice Broderick had three days of oral arguments in which he had to participate. It wasn't until February 11<sup>th</sup>, the following Friday, that he had the chance to talk with Howard Zibel. He decided after that talk to try to deal with the issue in house. He wanted to make peace. He wanted to smooth the waters. He wanted to try to correct what had gone wrong without causing a great stir about it, although he wasn't altogether comfortable with his decision in doing that. Again that following weekend, the 12<sup>th</sup> and 13<sup>th</sup>, he spent the weekend, he thought the facts over during that weekend. He discussed the Thayer conduct with other justices and on the 17<sup>th</sup> there was a report filed with the JCC and all the justices signed that report. Yes, he delayed in making his decision and signing that report. He delayed 14 days. The offense was prosecutable for up to a year after the offense. He took 14 days to decide what is the best thing to do; how should I proceed? What should I do so as not to disrupt the court but to make sure that this type of incidence never happens again and he did the right thing by participating and filing the report. In light of

the magnitude of the events and the implications that would follow, Justice Broderick did the right thing. I ask that you support the 18 to 4 vote from the committee and press the green button. Rep. Mock requested a roll call; sufficiently seconded.  
The question being the adoption of House Resolution No. 53.

## YEAS 176 NAYS 144

### YEAS 176

#### BELKNAP

Bartlett, Gordon  
Russell, David

Holbrook, Robert  
Turner, Robert

Millham, Alida  
Wood, Jane

Pilliod, James

#### CARROLL

Lyman, L Randy

Mock, Henry

#### CHESHIRE

Batchelder, Robert  
Hunt, John  
Manning, Joseph  
Pratt, John  
Royce, H Charles

Blaisdell, Michael  
Lerandeau, Alfred  
Meador, David  
Richardson, Barbara  
Smith, Edwin

Burnham, Daniel  
Lynch, Margaret  
Mitchell, McKim  
Robertson, Timothy  
Zerba, Roger

DePecol, Benjamin  
Lynott, Margaret  
Pratt, Irene  
Rose, William

#### COOS

Horton, Lynn

#### GRAFTON

Amy, Susan  
Marshall, Gene  
Solow, Martha

Copenhaver, Marion  
Nordgren, Sharon

Guest, Robert  
Picconi, Al

Johnson, Gary  
Scanlan, David

#### HILLSBOROUGH

Ahern, Richard  
Bergin, Peter  
Craig, James  
Fields, Dennis  
Gagnon, Eugene  
Goulet, Maurice  
Jean, Claudette  
Leonard, Peter  
McColgan, Philip Jr  
Moran, Edward  
Nolan-Piteri, Dawn  
Reidy, Frank  
Withe, Dennis

Andrews, Frederick  
Burkush, James  
Dwyer, Paul Sr  
Flora, Kathleen  
Garrish, Linda  
Haettenschwiller, Alphonse  
Johnson, Lionel  
Lozeau, Donnalee  
McDonald, James Sr  
Moriarty, Mary  
O'Connell, Timothy  
Sarette, John

Arthur, Rose  
Chabot, Robert  
Dyer, Merton  
Ford, Nancy  
Ginsburg, Ruth  
Haley, Robert  
Lasky, Bette  
Lynde, Harold  
Melcher, Harold  
Mosher, William  
O'Hearn, Jane  
Simon, Anthony

Baroody, Benjamin  
Coughlin, Pamela  
Emerton, Lawrence  
Foster, Linda  
Goley, Jeffrey  
Hall, Betty  
Leishman, Peter  
McCarty, Winston  
Mercer, Robert  
Murphy, Robert  
Peterson, Andrew  
White, John

#### MERRIMACK

Anderson, Eric  
Chase, George  
Hess, David  
Nichols, Avis  
Rodd, Beth  
Yeaton, Charles

Asplund, Bronwyn  
Daneault, Gabriel  
Lockwood, Priscilla  
Potter, Frances  
Rosenfield, Jay

Bouchard, Candace  
Fortnam, Janet  
Marshall, Kenneth  
Poulin, Dave  
Wallin, Jean

Brewster, Richard  
Fraser, Marilyn  
Moore, Carol  
Reardon, Tara  
Wallner, Mary Jane

#### ROCKINGHAM

Abbott, Dennis  
Carson, Gregory  
DiFruscia, Anthony  
Francoeur, Sheila

Belanger, Ronald  
Christie, Andrew Jr  
Downing, Michael  
Gleason, John

Blanchard, MaryAnn  
Clark, Martha  
Flanagan, Natalie  
Griffin, Mary

Bridle, Russell  
Cooney, Richard  
Flanders, John Sr  
Hutchinson, Rebecca

Johnson, Robert  
Langley, Jane  
Noyes, Richard  
Pitts, Jacqueline  
Sapareto, Frank  
Stone, Joseph  
Zolla, William

Kane, Cecelia  
Langone, John  
O'Keefe, Patricia  
Raynowska, Bernard  
Shelton, Richard  
Stritch, C Donald

Katsakiores, George  
Major, Norman  
O'Neil, Michael  
Reardon, Neil  
Shultis, Elizabeth  
Weatherspoon, Jackie

Katsakiores, Phyllis  
Morse, Charles  
Pantelakos, Laura  
Sabella, Norma  
Splaine, James  
Whittier, John

### STRAFFORD

Berube, Roger  
Dunlap, Patricia  
Heon, Richard  
Musler, George  
Snyder, Clair  
Vincent, Francis

Bickford, David  
Estabrook, Iris  
Johnson, Nancy  
Pelletier, Arthur  
Torr, Franklin  
Wall, Janet

Brennan, William  
Gilmore, Gary  
Kaen, Naida  
Pelletier, Marsha  
Twardus, Joseph

Brown, Julie  
Grassie, Anne  
Lundborn, Raymond  
Rogers, Rose Marie  
Vachon, Dennis

### SULLIVAN

Allison, David  
Young, David

Cloutier, John

Donovan, Thomas Jr

Wiggins, Celestine

### NAYS 144

### BELKNAP

Boyce, Robert  
Rice, Thomas  
Wendelboe, Francine

Czech, Stanley  
Rosen, Ralph

Johnson, James  
Salatiello, Thomas

Lawton, David  
Thomas, John

### CARROLL

Babson, David Jr  
Howard, Godfrey  
Torresen, Gary

Bradley, Jeb  
Patten, Betsey

Chandler, Gene  
Philbrick, Donald

Dickinson, Howard  
Sullivan, P Judith

### CHESHIRE

McGuirk, Paul

Roberts, William

### COOS

Davis, Perley  
Tholl, John Jr

Gallus, John  
Woodward, David

Guay, Lawrence

Pratt, Leighton

### GRAFTON

Akins, Ralph  
Dudley, Terri  
Harmon, Hobart  
Ward, Brien

Alger, John  
Gilman, G Michael  
Hinman, Harry  
Weber, Phil

Brothers, Richard  
Hall, David  
Mirski, Paul

Cobb, John  
Ham, Bonnie  
Phinney, William

### HILLSBOROUGH

Alukonis, David  
Belvin, William  
Buckley, Raymond  
Clegg, Robert Jr  
Daigle, Robert  
Fletcher, Richard  
Herman, Keith  
Keye, Harvey  
LaRose, Richard  
McCarthy, William  
Milligan, Robert  
Tate, Joan

Arnold, Thomas Jr  
Bergeron, Lucien  
Calawa, Leon Jr  
Clemons, Jane  
Desmarais, Vivian  
Franks, Suzan  
Holley, Sylvia  
Kurk, Neal  
Lefebvre, Roland  
McGough, Tim  
Ouellette, Dean  
Thulander, O Alan

Batula, Peter  
Brundige, Robert  
Carlson, Donald  
Cote, David  
Drabinowicz, A Theresa  
Gorman, Mary  
Hunter, Bruce  
L'Heureux, Robert  
MacGillivray, Jeffrey  
McRae, Karen  
Reeves, Sandra  
Vaillancourt, Steve

Beaupre, Roland  
Bruno, Pierre  
Christiansen, Lars  
Cote, Peter  
Fenton, James  
Hansen, Herbert  
Jean, Loren  
LaPorte, George  
Martin, Mary Ellen  
Mendenhall, Leslie  
Sargent, Maxwell



**MERRIMACK**

Hager, Elizabeth  
Larrabee, David Sr  
Soltani, Tony  
Whittemore, James

Jacobson, Alf  
Lavoie, Gerard  
St Cyr, Gerard

Kennedy, Richard  
Leber, William  
Virtue, Carolyn

Langer, Ray  
Marple, Richard  
Whalley, Michael

**ROCKINGHAM**

Arndt, Janet  
Dearborn, Bruce  
Grant, Kenneth  
Kelley, Jane  
McKinney, Betsy  
Packard, Sherman  
Stickney, Nancy  
Weare, Everett

Bishop, Franklin  
Dowling, Patricia  
Hamel, Albert  
Kelley, William  
Norelli, Terie  
Priestley, Anne  
Tufts, J Arthur  
Welch, David

Clark, Vivian  
Fesh, Robert  
Henderson, Warren  
Kobel, Rudolph  
Nowe, Mary Lou  
Putnam, Ed II  
Varrell, Thomas  
Weyler, Kenneth

Cox, Russell  
Flanders, David  
Hutchinson, Karen  
Letourneau, Robert  
Nowe, Ronald  
Rabideau, Marie  
Vaughn, Charles

**STRAFFORD**

Cossette, Larry  
Rollo, Michael

DeChane, Marlene  
Smith, Marjorie

Keans, Sandra  
Taylor, Kathleen

McKinley, Robert  
Woods, Phyllis

**SULLIVAN**

Jones, Constance  
Tuthill, John

Kibbey, David

Leone, Richard

Phinizy, James

and House Resolution 53 was adopted.

Ordered to third reading.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

The Judiciary Committee offered the following:

**HOUSE RESOLUTION NO. 54**

appointing House Managers

**WHEREAS**, the House of Representatives has adopted articles of impeachment against David A. Brock, Chief Justice of the New Hampshire Supreme Court, now therefore be it

**RESOLVED**, that the Speaker appoint and empower managers to conduct the impeachment against Justice David A. Brock and that said managers are hereby instructed to appear before the Senate of the State of New Hampshire in the name of the people of the State of New Hampshire.

Adopted.

Reps. Burling, Dalianis and Quandt declared conflicts of interest and did not participate.

The House of Representatives offered the following:

**HOUSE RESOLUTION NO. 27**

honoring the House Judiciary Committee

**WHEREAS**, on April 13, 2000, the New Hampshire House of Representatives adopted House Resolution 50, authorizing and directing the House Judiciary Committee to investigate whether cause existed for the impeachment of David A. Brock, chief justice, and/or any other justice of the New Hampshire supreme court, and

**WHEREAS**, the House Judiciary Committee devoted many days and long hours to this task, conducting a diligent and thorough investigation which stands as a model for any future inquiries of such historic proportion, and

**WHEREAS**, the information obtained as a result of the high caliber of work of the House Judiciary Committee will undoubtedly lead to improvements in the operation of the court system and to future legislative initiatives which will help to re-establish public confidence in the New Hampshire judicial system, and

**WHEREAS**, the professional manner in which the House Judiciary Committee carried out its task under the watchful eye of extensive public scrutiny brought dignity and honor to the New Hampshire House of Representatives, now therefore be it

**RESOLVED**, by the House of Representatives in Regular Session convened, that the New Hampshire House of Representatives extend its deepest gratitude, respect and appreciation to the members of this body who serve on the House Judiciary Committee: Henry P. Mock, Andrew R. Peterson, Alf E. Jacobson, Sandra B. Keans, Peter F. Bergin, Cynthia J. Dokmo, Loren J. Jean, Robert H. Rowe, Nancy M. Ford, Dennis J. Withee, Terri C. Dudley, Al J. Picconi, Tony F. Soltani, Phyllis L. Woods, Janet G. Wall, Benjamin J. DePecol, John M. Pratt, James W. Craig, Bette R. Lasky, McKim W. Mitchell, Martha S. Solow, and Jane Wood.

Unanimously adopted.

### RECOGNITION

The members of the Judiciary Committee recognized Speaker Sytek, House Sergeant-at-Arms Rob Johnson, House Information Officer Susan Woods and House Counsel Betsy Miller for their assistance and support of the committee during the public hearings on impeachment.

### REMOVED FROM THE TABLE

Rep. Alukonis moved that **HR 10**, affirming revenue estimates for fiscal years 2000 and 2001, be removed from the table.

Adopted.

Rep. Alukonis offered a floor amendment.

### Floor Amendment (4816h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Finance Committee has considered what the unrestricted revenue estimates should be for fiscal years 2000, and 2001 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2000 and 2001.

Committee estimates are based on current rates.

	(A)	(B)	(C)	(D)
	FY 2000		FY 2001	
GENERAL & ED TRUST FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>
(1) Business Profits Tax	\$194.400	\$166.100	\$190.800	\$159.000
(2) Business Enterprise Tax	<u>\$127.200</u>	<u>147.400</u>	<u>113.900</u>	<u>141.000</u>
(3) Subtotal	<u>321.600</u>	<u>313.500</u>	<u>304.700</u>	<u>300.000</u>
(4) Meals & Rooms Tax	\$156.000	153.300	167.300	164.600
(5) Liquor Sales	\$ 80.000	85.000	82.000	89.000
(6) Interest & Dividends Tax	66.000	65.200	70.000	67.500
(7) Insurance Tax	63.000	59.300	64.000	60.000
(8) Tobacco Tax	102.600	92.600	102.600	92.600
(9) Other	42.650	46.100	42.650	46.500
(10) Communications Tax	49.000	47.400	53.000	49.000

	(A)	(B)	(C)	(D)
	FY 2000		FY 2001	
GENERAL & ED TRUST FUNDS:	Official	Committee	Official	Committee
(Dollars in Millions)	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>	<u>Estimate</u>
(11) Estate & Legacy Tax	52.000	60.600	56.000	66.000
(12) Real Estate Transfer Tax	85.100	83.000	91.800	87.000
(13) Court Fines & Fees	22.000	24.000	22.000	24.000
(14) Utility Tax	10.500	10.000	10.500	10.500
(15) Securities Revenue	22.500	25.500	22.500	25.000
(16) Board & Care Revenue	10.700	12.600	10.700	11.000
(17) Beer Tax	11.700	12.000	11.800	12.000
(18) Horse Racing	2.500	2.400	2.500	2.500
(19) Dog Racing	1.000	1.100	1.000	1.000
(20) Tobacco Settlement Funds	<u>58.698</u>	<u>54.200</u>	<u>46.107</u>	<u>37.000</u>

(21) SUBTOTAL	<u>\$1,157,548</u>	<u>\$1,147,800</u>	<u>\$1,161,157</u>	<u>\$1,145,200</u>
(22) Other Medicaid Enhancement	10.000	12.900	10.000	10.000
(23) Net Medicaid Enhance. Revenue	63.700	74.000	65.300	76.000
(24) Utility Property Tax	32.400	31.100	23.900	21.800
(25) State Property Tax	24.100	24.100	24.100	24.100
(26) <u>Transfers from Sweepstakes</u>	<u>56.000</u>	<u>60.000</u>	<u>56.000</u>	<u>61.000</u>
(27) <u>TOTAL GEN'L &amp; ED</u>				
<u>TRUST FUNDS</u>	<u>\$1,343.748</u>	<u>\$1,349.900</u>	<u>\$1,340.457</u>	<u>\$1,338.100</u>

**HIGHWAY FUNDS:**

(Dollars in Millions)				
(1) Road Toll - Gross Total	\$142.600	\$134.900	\$147.000	\$141.200
(2) Less Betterment	<u>(\$18.600)</u>	<u>(\$18.600)</u>	<u>(\$18.700)</u>	<u>(\$18.700)</u>
(3) Road Toll - Net Total	\$124.000	\$116.300	\$128.300	\$122.500
(4) Motor Vehicle Fees	68.000	71.800	69.000	73.000
(5) <u>Miscellaneous</u>	<u>10.200</u>	<u>7.900</u>	<u>10.400</u>	<u>7.900</u>
(6) <u>TOTAL HIGHWAY FUNDS</u>	<u>\$202.200</u>	<u>\$196.000</u>	<u>\$207.700</u>	<u>\$203.400</u>

**FISH & GAME FUNDS:**

(Dollars in Millions)				
(7) Fish & Game Licenses	\$ 6.800	\$ 6.500	\$ 6.900	\$ 6.900
(8) <u>Miscellaneous</u>	<u>1.400</u>	<u>1.500</u>	<u>1.400</u>	<u>1.400</u>
(9) <u>TOTAL FISH &amp; GAME</u>				
<u>FUNDS</u>	<u>\$ 8.200</u>	<u>\$ 8.000</u>	<u>\$ 8.300</u>	<u>\$ 8.300</u>

Rep. Alukonis spoke in favor.

Adopted.

HR 10 adopted and ordered to third reading.

**RESOLUTION**

Rep. Vaughn offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the Call of the Chair.

Adopted.

**LATE SESSION****Third reading and final passage**

**HR 51**, recommending impeachment of supreme court chief justice David A. Brock.

**HR 52**, recommending that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr.

**HR 53**, recommending that no article of impeachment be brought against supreme court justice John T. Broderick, Jr.

**HR 54**, appointing House Managers.

**HR 10**, affirming revenue estimates for fiscal years 2000 and 2001.

**SENATE MESSAGES**

The Senate has voted to override the Governor's vetoes on the following entitled bills:

**HB 648**, relative to sludge testing program.

**HB 1343**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater reclamation sites that have had sludge applied.

The Senate has voted to sustain the Governor's vetoes on the following entitled bills:

**HB 235-FN-A**, increasing exemptions under the interest and dividends tax.

**HB 542-FN-A**, repealing the legacies and succession tax.

**SB 468**, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham County.

**VETO OVERRIDDEN BY SENATE ON SB 153**

The question being, notwithstanding the Governor's veto, shall **SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs, become law. As required by the State Constitution, a roll call was taken.

**YEAS 243 NAYS 71****YEAS 243****BELKNAP**

Bartlett, Gordon	Czech, Stanley	Johnson, James	Millham, Alida
Pilliod, James	Rice, Thomas	Rosen, Ralph	Russell, David
Salatiello, Thomas	Turner, Robert	Wood, Jane	

**CARROLL**

Babson, David Jr	Bradley, Jeb	Howard, Godfrey	Lyman, L Randy
Patten, Betsey	Philbrick, Donald		

**CHESHIRE**

Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meador, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Roberts, William	Robertson, Timothy	Royce, H Charles
Smith, Edwin	Zerba, Roger		

**COOS**

Davis, Perley	Gallus, John	Guay, Lawrence	Horton, Lynn
Tholl, John Jr			

**GRAFTON**

Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Dudley, Terri	Gilman, G Michael
Guest, Robert	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Johnson, Gary	Marshall, Gene	Mirski, Paul	Nordgren, Sharon
Phinney, William	Scanlan, David	Solow, Martha	Ward, Brien

**HILLSBOROUGH**

Ahern, Richard	Andrews, Frederick	Arnold, Thomas Jr	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Carlson, Donald	Chabot, Robert
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daigle, Robert	Drabinowicz, A Theresa	Dyer, Merton	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Eugene	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lynde, Harold	Martin, Mary Ellen	McCarthy, William
McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Peterson, Andrew
Reeves, Sandra	Sarette, John	Sargent, Maxwell	Tate, Joan
White, John	Withe, Dennis		



**MERRIMACK**

Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Daneault, Gabriel	Fortnam, Janet	Fraser, Marilyn
Hager, Elizabeth	Jacobson, Alf	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Moore, Carol	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Rosenfield, Jay
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Yeaton, Charles		

**ROCKINGHAM**

Abbott, Dennis	Arndt, Janet	Blanchard, MaryAnn	Bridle, Russell
Carson, Gregory	Christie, Andrew Jr	Clark, Martha	Cooney, Richard
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, John Sr	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langley, Jane	Langone, John
Morse, Charles	Norelli, Terie	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Priestley, Anne	Putnam, Ed II
Rabideau, Marie	Sabella, Norma	Sapareto, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Welch, David	Whittier, John	Zolla, William	

**STRAFFORD**

Bickford, David	Brown, Julie	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lundborn, Raymond
McKinley, Robert	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Torr, Franklin	Twardus, Joseph	Vachon, Dennis
Wall, Janet	Woods, Phyllis		

**SULLIVAN**

Allison, David	Cloutier, John	Donovan, Thomas Jr	Jones, Constance
Kibbey, David	Leone, Richard	Phinizy, James	Tuthill, John
Wiggins, Celestine	Young, David		

**NAYS 71****BELKNAP**

Boyce, Robert	Holbrook, Robert	Lawton, David	Wendelboe, Francine
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**CARROLL**

Chandler, Gene	Dickinson, Howard	Mock, Henry	Sullivan, P Judith
Torresen, Gary			

**CHESHIRE**

Hunt, John	Lerandeau, Alfred	Rose, William
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**COOS**

Woodward, David

**GRAFTON**

Hall, David	Picconi, Al
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**HILLSBOROUGH**

Alukonis, David	Beaupre, Roland	Belvin, William	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Christiansen, Lars	Clegg, Robert Jr

Clemons, Jane  
Herman, Keith  
Lefebvre, Roland  
Mercer, Robert  
Thulander, O Alan

Desmarais, Vivian  
Holley, Sylvia  
Lozeau, Donnalee  
Messier, Irene  
Vaillancourt, Steve

Fletcher, Richard  
Hunter, Bruce  
MacGillivray, Jeffrey  
Reidy, Frank

Haley, Robert  
Kurk, Neal  
McRae, Karen  
Simon, Anthony

### MERRIMACK

Kennedy, Richard  
Whalley, Michael

Langer, Ray  
Whittemore, James

Marple, Richard

Nichols, Avis

### ROCKINGHAM

Belanger, Ronald  
Flanders, David  
Letourneau, Robert  
Nowe, Ronald  
Tufts, J Arthur

Bishop, Franklin  
Francoeur, Sheila  
Major, Norman  
Packard, Sherman  
Weatherspoon, Jackie

Clark, Vivian  
Henderson, Warren  
McKinney, Betsy  
Raynowska, Bernard  
Weyler, Kenneth

Fesh, Robert  
Kelley, William  
Nowe, Mary Lou  
Reardon, Neil

### STRAFFORD

Berube, Roger

Brennan, William

Cossette, Larry

Vincent, Francis

### SULLIVAN

Burling, Peter

and the veto was overridden by the necessary two-thirds.

### APPOINTMENT OF HOUSE MANAGERS

Pursuant to House Resolution No. 54, the Speaker appointed Reps. Henry Mock, Janet Wall, John Pratt, Loren Jean, Phyllis Woods and James Craig as House Managers.

### UNANIMOUS CONSENT

Reps. Robertson and Phinizy addressed the House.

### RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of receiving Senate Messages only. Adopted.

The House recessed at 9:30 p.m.

### RECESS

**(Rep. Chandler in the Chair)**

### SENATE MESSAGES

The Senate is ready to receive the House Managers.

### SENATE RESOLUTION TO DISPOSE OF OUTSTANDING BILLS

The Senate of the state of New Hampshire passed the following Resolution on May 18, 2000.

### RESOLUTION

That all House bills left Laid on the Table be by this resolution made Inexpedient to Legislate.

**HB 53**, relative to qualifications and appointments of marital masters.

**HB 723-FN**, relative to standby and emergency guardianship proxies.

**HB 1113**, raising the maximum price for lucky 7 tickets.

**HB 1203-L**, relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.

**HB 1371**, relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.

### REFUSED BY SENATE COMMITTEE AFTER LATE INTRODUCTION

**HB 1469**, establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers.

## RECESS

(Clerk's Note)

## OUTSTANDING BILLS

At the time of recess on July 12, 2000, the following bills remained:

**On the table in the House.**

**HB 637-FN**, establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.

**HB 1229**, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH.

**HB 1375**, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds.

**CACR 33**, relating to meetings of the legislature. Providing that the legislature shall assemble biennially.

**Not signed off in Committee of Conference**

**HB 75**, changing the number required for a quorum on the commission for human rights.

**HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.

**HB 1521-FN-L**, relative to the definition and administration of an adequate education.

**HB 1620-FN**, relative to driver record information.

**SB 303**, relative to campaign contributions by business organizations.

**No action taken (HB 1628, killed)**

**HR 24**, requesting an opinion of the justices on the constitutionality of HB 1628-FN-A-LOCAL, "An act establishing a reformed public school financing system for ensuring educational adequacy for all children; establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor."

## RECESS

Attested by

Karen O. Wadsworth

Clerk of the House

**COMMITTEES CREATED BY 2000 CHAPTERS****EXTENDED REPORTING DATES FOR CHAPTER STUDY COMMITTEES**

**ESTABLISHMENT OF A PERMIT SYSTEM FOR VESSELS REGISTERED IN ANOTHER STATE TEMPORARILY USING THE WATERS OF NEW HAMPSHIRE STUDY** (SB 75, Chapter 97:1, Laws of 1999). Reporting date extended by SB 348, Chapter 29:2, Laws of 2000.

**FIELD ACTIVITIES CONDUCTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATIVE TO CHILDREN, YOUTH AND FAMILIES STUDY** (SB 65, Chapter 29:2, Laws of 1999) Reporting date extended by SB 357, Chapter 67, Laws of 2000.

**IDENTIFYING OR ESTABLISHING THE DUTIES OF THE FISH AND GAME COMMISSION STUDY** (SB 160, Chapter 78:2, Laws of 1999) Reporting date extended by SB 356, Chapter 30, Laws of 2000.

**MERCURY SOURCE REDUCTION AND RECYCLING ISSUES STUDY** (HB 340, Chapter 71:2, Laws of 1999) Reporting date extended by HB 1185, Chapter 87, Laws of 2000.

**NEGOTIATED RISK AGREEMENTS WHEN PATIENTS DESIRE TO REMAIN IN A FACILITY OVER THE RECOMMENDATIONS OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY** (HB 307, Chapter 24:2, Laws of 1999). Reporting date extended by HB 1319, Chapter 228:1, Laws of 2000.

**NON-GROUP HEALTH INSURANCE MARKET STUDY** (HB 473, Chapter 205:2, Laws of 1999). Reporting date extended by HB 1465, Chapter 117:1, Laws of 2000

**PROBLEMS AND POSSIBLE REGULATION OF OUTDOOR LIGHTING** (HB 727, Chapter 146:2, Laws of 1999). Reporting date extended by SB 340, Chapter 159:1, Laws of 2000.

**REQUIREMENTS FOR USAGE OF METHYL T-BUTYL ETHER** (HB 592, Chapter 55:3, Laws of 1999). Reporting date extended by HB 1414, Chapter 293:3, Laws of 2000.

**STRUCTURE OF ALCOHOL AND DRUG ABUSE PREVENTION SERVICES STUDY** (HB 650, Chapter 237:2, Laws of 1999) Reporting date extended by HB 1206, Chapter 41:2, Laws of 2000.

**SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT** (HB 379, Chapter 201:2, Laws of 1999) Reporting date extended by HB 1186, Chapter 25, Laws of 2000

**STATUTORY COMMITTEES AMENDED**

**ADMINISTRATIVE RULES** (RSA 541-A:2). Amended by HB 725, Chapter 288:3, Laws of 2000.

**CLINICAL OPERATION AND ADMINISTRATION OF NH HOSPITAL OVERSIGHT COMMITTEE** (RSA 541-B:23). Amended by HB 1571, Chapter 301:3, Laws of 2000.

**NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION** (RSA 12-H:1). Amended by SB 446, Chapter 320:5, Laws of 2000.

**STATE COMMITTEE ON AGING** (RSA 161-F:7). Amended by HB 1301, Chapter 93, Laws of 2000.

**TELECOMMUNICATIONS OVERSIGHT COMMITTEE** (RSA 374:22-h). Amended by HB 1107, Chapter 179, Laws of 2000.

**STATUTORY COMMITTEES REPEALED**

**EQUIPMENT CHALLENGE GRANT PROGRAM** (RSA 188-F:42). Repealed by SB 352, Chapter 99:1, Laws of 2000.

**NEW HAMPSHIRE FOUNDATION FOR MENTAL HEALTH** (RSA 135-D). Repealed by HB 1337, Chapter 80:1, Laws of 2000.



**CHAPTER STUDIES****HB 553 (Chapter 272:2, Laws of 2000) – STATUS OF MEN STUDY**

Reps. David A. Bickford, Gary R. Gilmore and William R. Zolla, appointed by the Speaker of the House.

Michael J. Geanoulis, New Castle and George V. Alexander, Boscawen, members of the public appointed by the Speaker of the House.

**HB 617 (Chapter 55:10, Laws of 2000) – UNREFUNDED ROAD TOLL STUDY**

Reps. Leon Calawa, Jr., John R. Cloutier and David J. Alukonis appointed by the Speaker of the House.

Sens. Lou D'Allesandro, Arthur P. Klemm, Jr. and Burton J. Cohen, appointed by the President of the Senate.

**HB 690 (Chapter 286:2, Laws of 2000) – CHARTER SCHOOLS AND OPEN ENROLLMENT SCHOOL DISTRICTS STUDY**

Reps. John B. Hunt, William S. Belvin and Clair A. Snyder, appointed by the Speaker of the House.

Sens. Sheila Roberge, Sylvia B. Larsen and John A. King, appointed by the President of the Senate.

**HB 730 (Chapter 22:2, Laws of 2000) – RECORDING LEGISLATIVE PROCEEDINGS STUDY**

Reps. Leon Calawa, Jr., Merton S. Dyer, Winston H. McCarty, David A. Welch, Marion L. Copenhaver and Norman L. Major (alternate), appointed by the Speaker of the House.

**HB 733 (Chapter 240:2, Laws of 2000) – STATE WIRELESS COMMUNICATIONS POLICY**

Sens. Clifton C. Below, Sylvia B. Larsen, Rick A. Trombly, Burton J. Cohen and Patricia Krueger, appointed by the President of the Senate.

Reps. Jeb E. Bradley, William S. Belvin, Richard T. Cooney, Terie T. Norelli and Naida Kaen, appointed by the Speaker of the House. Alternates: Reps. H. Charles Royce, Michael D. Whalley, Michael W. Downing and Jay Rosenfield

**HB 1110 (Chapter 71:2, Laws of 2000) – LANDLORD-TENANT ISSUES STUDY**

Reps. Robert E. Clegg, Jr., Andre A. Martel, Jane Wood and Cynthia J. Dokmo, appointed by the Speaker of the House.

Sens. Sylvia B. Larsen, Caroline McCarley and Rick A. Trombly, appointed by the President of the Senate.

**HB 1127 (Chapter 86:2, Laws of 2000) – EXCAVATING AND DREDGING PERMITS APPLICATION AND APPEAL PROCEDURES STUDY**

Reps. Timothy D. O'Connell, Anthony R. DiFruscia and MaryAnn N. Blanchard, appointed by the Speaker of the House.

Sens. Burton J. Cohen, Debora B. Pignatelli and Richard L. Russman, appointed by the President of the Senate.

**HB 1134 (Chapter 39:2, Laws of 2000) – MENTAL HEALTH CARE TREATMENT UNDER MANAGED CARE PLANS STUDY**

Reps. Sheila T. Francoeur, Toni M. Crosby and Jane S. Langley, appointed by the Speaker of the House.

Sens. Katherine W. Wheeler, Caroline McCarley and Leo W. Fraser, Jr., appointed by the President of the Senate.

**HB 1139 (Chapter 221:2, Laws of 2000) – INVOLUNTARY EMERGENCY ADMISSION HEARINGS STUDY**

Reps. Sandra B. Keans, David A. Bickford and James W. Craig, appointed by the Speaker of the House.

Sens. Katherine W. Wheeler, Caroline McCarley and Edward Gordon, appointed by the President of the Senate.

**HB 1151 (Chapter 103:2, Laws of 2000) – NEW HAMPSHIRE LOCAL GOVERNMENT RECORDS MANAGEMENT TRUST CREATION AND FUNDING ALTERNATIVES STUDY**

Reps. Cynthia J. Dokmo, Norman L. Major (Finance), Richard C. Leone, Roger T. Zerba and Anthony F. Simon, appointed by the Speaker of the House.

Sens. Rick A. Trombly, Debora B. Pignatelli, Sheila Roberge (temporary replacement for Sen. Gary R. Francoeur until Senate impeachment proceedings are over), Leo W. Fraser, Jr., and Arthur P. Klemm, Jr., appointed by the President of the Senate.

**HB 1161 (Chapter 105:3, Laws of 2000) – REVISIONS TO THE STATE AERONAUTICS LAWS STUDY**

Reps. Robert H. Milligan, William E. Leber, John W. Flanders, Sr., Kenneth L. Weyler, Lucien G. Bergeron, William P. Brennan and Marilyn A. Fraser, appointed by the Speaker of the House.

**HB 1183 (Chapter 198:2, Laws of 2000) FINANCIAL ARRANGEMENTS AMONG HOSPITALS, HEALTH CARE PROVIDERS, AND INSURANCE COMPANIES STUDY**

Reps. Keith R. Herman, Sheila T. Francoeur, Martha Fuller Clark, Gene B. Marshall and Kathleen N. Taylor, appointed by the Speaker of the House.

Sens. Katherine W. Wheeler, Gary R. Francoeur, Leo W. Fraser, Jr., John A. King and Caroline McCarley, appointed by the President of the Senate.

**HB 1199 (Chapter 74:2, Laws of 2000) – AFFORDABLE HOUSING FUNDING STUDY**

Reps. Francine Wendelboe, Robert K. Boyce and Frances D. Potter, appointed by the Speaker of the House.

Sens. Sylvia B. Larsen, Arthur P. Klemm, Jr. and Rick A. Trombly, appointed by the President of the Senate.

**HB 1223 (Chapter 26:1, Laws of 2000) – SALARY STRUCTURE FOR UNCLASSIFIED STATE OFFICERS STUDY**

Reps. Merton S. Dyer, Robert E. Clegg, Jr. and Christine M. Konys, appointed by the Speaker of the House of Representatives.

Sens. Lou D'Allesandro, Clifton C. Below and Frederick W. King, Sr., appointed by the President of the Senate.

**HB 1282 (Chapter 92:2, Laws of 2000) – SELF-INSURING STATE EMPLOYEES STUDY**

Reps. Joseph E. Stone, Eric Anderson and Susan W. Almy, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., Katherine W. Wheeler and Thomas R. Eaton, appointed by the President of the Senate.

**HB 1283 (Chapter 43:2, Laws of 2000) – COMMISSION ON THE EDUCATION OF THE DEAF**

One member appointed by the Governor.

Reps. Andre A. Martel and Iris W. Estabrook (Education), appointed by the Speaker of the House of Representatives.

Sens. Caroline McCarley (Education) and Katherine W. Wheeler, appointed by the President of the Senate.

Susan Lombard, designee of the Commissioner of the Department of Health and Human Services.

Paul Leather, designee of the Commissioner of the Department of Education. Alternate: H. Dee Clanton.

**HB 1318 (Chapter 58:2, Laws of 2000) –FUEL PRICES STUDY**

Reps. George F. Brown, Ronald J. Belanger and Jane S. Langley, appointed by the Speaker of the House.

Sens. Arthur P. Klemm, Jr., Clifton C. Below and Leo W. Fraser, Jr., appointed by the President of the Senate.

**HB 1374 (Chapter 81:2, Laws of 2000) – SEX OFFENDER ISSUES STUDY**

Reps. Maxwell Sargent (Criminal Justice), Donnalee Lozeau, Loren Jean (Judiciary), Patricia M. O'Keefe, Kathleen M. Flora, William V. Knowles and Beth Rodd, appointed by the Speaker of the House of Representatives.

**HB 1378 (Chapter 45:1, Laws of 2000) - PASSENGER RAIL SERVICE FROM NEWBURYPORT, MASSACHUSETTS TO KITTEERY, MAINE TASK FORCE**

Reps. John W. Flanders, Sr. and William E. Mosher, appointed by the Speaker of the House.  
 Sens. Burton J. Cohen and Arthur P. Klemm, Jr., appointed by the Senate President.  
 Steve Wells, Executive Director COAST, Dover, and Jim Jalbert, C&J Trailways, Portsmouth, appointed by the Governor.

James F. Marshall, designee of the Commissioner of the Department of Transportation.

Councilor John Hynes, appointed by the Portsmouth Mayor and Council.

William H. Sullivan, Hampton, appointed by the selectmen of the town of Hampton.

A representative appointed by the selectmen of the town of Seabrook.

Peter J. Griffin, Windham, representative of the New Hampshire Railroad Revitalization Association.

Robin Comstock, a representative of the Portsmouth Chamber of Commerce.

A representative of the Rockingham County Planning Association.

Robert L. Hall, Kensington, a representative of TRAIN RIDERS/Northeast.

Thomas M. Noel, Deputy Director, designee of the Commissioner of the Department of Environmental Services.

**HB 1390 (Chapter 114:2, Laws of 2000) – COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT**

Reps. James P. Pilliod, Barbara C. French and Lawrence A. Emerton appointed by the Speaker of the House.

Sens. Sylvia B. Larsen, Katherine W. Wheeler and Patricia Krueger, appointed by the President of the Senate.

Dr. Robert K. McLellan, Exeter, appointed by the Governor.

Timothy Soucy, Manchester, appointed by the New Hampshire Public Health Association.

Suzanne B. Doucette, Salem, appointed by the New Hampshire Health Officer's Association.

The Commissioner of the Department of Health and Human Services, or designee.

Richard Rumba, designee of the Commissioner of the Department of Environmental Services.

Gyda DiCosola, designee of the Commissioner of Insurance.

Thomas Sloan, Concord, designee of the Commissioner of Agriculture, Markets, and Food.

Debra Augustine, Concord, appointed by the Foundation for Healthy Communities.

Katherine Hartnett, Director of the New Hampshire Comparative Risk Project.

**HB 1404 (Chapter 138:2, Laws of 2000) – PRESERVATION OR DISPOSAL OF STATE RECORDS UNDER CERTAIN CIRCUMSTANCES STUDY**

Reps. Alida I. Millham, Norman L. Major and Carolyn A. Virtue, appointed by the Speaker of the House.

Sens. Sheila Roberge, Mary E. Brown and Burton J. Cohen, appointed by the President of the Senate.

**HB 1409 (Chapter 46:2, Laws of 2000) – LAWRENCE, MASSACHUSETTS TO MANCHESTER, NEW HAMPSHIRE AND CONCORD TO LEBANON RAIL SERVICE FEASIBILITY STUDY**

Reps. John W. Flanders, Sr., William E. Mosher and George N. Katsakiores, appointed by the Speaker of the House.

Sens. Clifton C. Below, Rick A. Trombly and Arthur P. Klemm, Jr., appointed by the President of the Senate.

**HB 1435 (Chapter 60:2, Laws of 2000) – RIGHT-TO-KNOW LAW CHANGING METHODOLOGY STUDY**

Reps. Betsey L. Patten, John H. Thomas and Bette R. Lasky, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., Sheila Roberge and George F. Disnard, appointed by the President of the Senate.

**HB 1457 (Chapter 186:2, Laws of 2000) – CONDOMINIUM ACT STUDY**

Reps. Tim S. McGough (Commerce), Dave G. Poulin and Anthony F. Simon appointed by the Speaker of the House.

Sens. Arthur P. Klemm, Jr., Leo W. Fraser, Jr. and Sheila Roberge, appointed by the President of the Senate.

**HB 1462 (Chapter 61:2, Laws of 2000) – RENEWABLE ENERGY SOURCES STUDY**

Reps. Lawrence J. Guay, John H. Thomas, Donald B. White, Gary R. Gilmore and Harold V. Lynde, members of the Science, Technology and Energy Committee of the House of Representatives, appointed by the Speaker of the House of Representatives.

Sens. Richard L. Russman, Clifton C. Below, Frederick W. King, Sr., Leo W. Fraser, Jr., and Burton J. Cohen, appointed by the President of the Senate.

**HB 1483 (Chapter 139:2, Laws of 2000) – NON-CONVENTIONAL PROCEDURES APPLICATION FOR DOMESTIC ANIMALS STUDY**

Rep. Edwin O. Smith, David L. Babson, Jr. (Environment), Kenneth R. Marshall (Environment), Kathleen N. Taylor and Carolyn A. Virtue, appointed by the Speaker of the House.

Sens. Sheila Roberge, Katherine W. Wheeler, Mary E. Brown, Sylvia B. Larsen and Burton J. Cohen, appointed by the President of the Senate.

**HB 1504 (Chapter 296:15, Laws of 2000) – FUNDING FOR DIVISION OF FIRE STANDARDS AND TRAINING AND EMERGENCY MEDICAL SERVICES STUDY**

Sens. Lou D'Allesandro, Arthur P. Klemm, Jr. and John A. King, appointed by the President of the Senate.

Reps. Robert E. Clegg, Jr., O. Alan Thulander and Jeffrey P. Goley, appointed by the Speaker of the House. Alternates: Rep. David A. Welch and Merton S. Dyer.

**HB 1512 (Chapter 83:2, Laws of 2000) – PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM FEASIBILITY STUDY**

Reps. G. Michael Gilman, Janeen A. Dalrymple and Mary Stuart Gile, appointed by the Speaker of the House.

Sens. Katherine W. Wheeler, Leo W. Fraser, Jr. and Caroline McCarley, appointed by the President of the Senate.

**HB 1559 (Chapter 153:2, Laws of 2000) – NEW HAMPSHIRE STATE PORT AUTHORITY ORGANIZATION STUDY**

Reps. William E. Leber, Leon Calawa, Jr. and Laura C. Pantelakos appointed by the Speaker of the House. Alternate: Rep. Albert W. Hamel

Sens. Burton J. Cohen, Katherine W. Wheeler and Mary E. Brown, appointed by the President of the Senate.

**HB 1582 (Chapter 233:2, Laws of 2000) – WORKPLACE PRACTICES IN SMALL BUSINESSES STUDY**

Reps. Robert E. Clegg, Jr., G. Michael Gilman and Jeffrey P. Goley, appointed by the Speaker of the House.

Sens. Sylvia B. Larsen, Sheila Roberge and Caroline McCarley, appointed by the President of the Senate.

**HB 1589 (Chapter 304:3, Laws of 2000) – GENETIC AND OTHER HEALTH INFORMATION TESTING STUDY**

Reps. Keith R. Herman, Neal M. Kurk and Toni M. Crosby, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., Katherine W. Wheeler and Caroline McCarley, appointed by the President of the Senate.

**HB 1589 (Chapter 304:9, Laws of 2000) – PROTECTION OF FINANCIAL SERVICES INFORMATION PRIVACY STUDY**

Reps. Keith R. Herman, Neal M. Kurk and Toni M. Crosby, appointed by the Speaker of the House.

Sens. Leo W. Fraser, Jr., Clifton C. Below and Rick A. Trombly, appointed by the President of the Senate.

**HB 1602 (Chapter 234:2, Laws of 2000) – NEW HAMPSHIRE TASK FORCE ON DEAFNESS**

Rep. Francine Wendelboe (Health, Human Services and Elderly Affairs) appointed by the Speaker of the House.

Sen. Debora B. Pignatelli (Public Institutions), appointed by the President of the Senate.



Norman Lafond, Manchester, member from the Governor's Commission on Disabilities, appointed by the Governor.

Susan Lombard and Susan Langle (interim appointment), appointed by the Commissioner of the Department of Health and Human Services.

Paul O. Hatch, Jr., representative of the Department of Employment Security, appointed by the Commissioner.

Paul Leather and H. Dee Clanton, appointed by the Commissioner of the Department of Education.

Elizabeth L. Hodges, Esq., appointed by the Chief Justice of the New Hampshire Superior Court. The President of the New Hampshire Association of the Deaf, or designee.

One representative of the New Hampshire Association of the Deaf, appointed by the President of the New Hampshire Association of the Deaf, or designee.

The President of Self Help for the Hard of Hearing, or designee.

One representative from Self Help for the Hard of Hearing, appointed by the President of Self Help for the Hard of Hearing, or designee.

Terry Linehan, a representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the President of the New Hampshire Registry of Interpreters for the Deaf. (Alternate: Sharon Caserta)

#### **HB 1607 (Chapter 205:2, Laws of 2000) – MEDICAID SERVICES FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES AND BRAIN INJURIES**

Reps. Peter L. Batula, Joseph P. Manning, Daniel M. Burnham and Gloria Seldin, appointed by the Chairperson of the Health, Human Services and Elderly Affairs Committee.

Sens. Katherine W. Wheeler, Edward Gordon and Caroline McCarley, three members of the Senate Public Institutions, Health and Human Services Committee, appointed by the Committee Chairperson.

#### **HB 1617 (Chapter 306:3, Laws of 2000) – MISCONDUCT, MISUSE OR ABUSE OF DRIVING PRIVILEGES DEFINITION STUDY**

Reps. Sherman A. Packard, Robert J. Letourneau and George A. LaPorte, appointed by the Speaker of the House.

Sens. Edward Gordon, Debora B. Pignatelli and Rick A. Trombly, appointed by the President of the Senate.

#### **HB 2000 (Chapter 309:4, Laws of 2000) – TRANSPORTATION PLAN PROJECTS STUDY**

Reps. Edwin O. Smith (House Public Works), David J. Alukonis (Finance), William E. Leber and John R. Cloutier, appointed by the Speaker of the House.

Sens. Edward Gordon, Debora B. Pignatelli, Caroline McCarley and Burton J. Cohen, appointed by the President of the Senate.

#### **SB 176 (Chapter 3:2, Laws of 2000) – ATECH SERVICES GENERAL OPERATIONS STUDY**

Reps. Eugene L. Gagnon, Andre A. Martel and Alphonse Haettenschwiller, appointed by the Speaker of the House of Representatives.

Sens. Katherine W. Wheeler, Patricia Krueger and John A. King, appointed by the President of the Senate.

#### **SB 313 (Chapter 122:3, Laws of 2000) – COMMISSION TO STUDY THE RELATIONSHIP BETWEEN POSTSECONDARY EDUCATION AND RECIPIENTS OF ASSISTANCE TO NEEDY FAMILIES**

Sens. Katherine W. Wheeler and Sylvia B. Larsen, appointed by the President of the Senate.

Reps. Russell N. Cox and Lawrence A. Emerton appointed by the Speaker of the House.

The Commissioner of the Department of Health and Human Services, or designee.

The Commissioner of the Regional Community Technical College System, or designee.

The Chairperson of the Public Higher Education Study Committee, or designee.

#### **SB 330 (Chapter 242:2, Laws of 2000) – WATER WITHDRAWALS ON INSTREAM FLOWS STUDY**

Sens. Sheila Roberge, Lou D'Allesandro and Debora B. Pignatelli, appointed by the President of the Senate.

Reps. Richard T. Cooney, MaryAnn N. Blanchard and Leon Calawa, Jr., appointed by the Speaker of the House.

**SB 341 (Chapter 49:1, Laws of 2000) – LICENSURE OF RADIOLOGIC TECHNOLOGISTS STUDY**

Sens. Katherine W. Wheeler, James W. Squires and Patricia Krueger, appointed by the President of the Senate.

Reps. Maurice E. Goulet, Nancy C. Stickney and Carolyn A. Virtue, appointed by the Speaker of the House of Representatives.

**SB 367 (Chapter 208:3, Laws of 2000) – PRESCRIPTION DRUG ACCESS STUDY**

Sens. Sylvia B. Larsen, Leo W. Fraser, Jr. and Katherine W. Wheeler, appointed by the President of the Senate.

Reps. Lawrence A. Emerton, James P. Pilliod and Kathleen N. Taylor, appointed by the Speaker of the House.

**SB 409 (Chapter 264:3, Laws of 2000) – INSURANCE COVERAGE FOR AUTOLOGOUS BONE MARROW TRANSPLANTS STUDY**

Reps. Sheila T. Francoeur, Tim S. McGough and Martha Fuller Clark, appointed by the Speaker of the House.

Sens. Katherine W. Wheeler, Thomas R. Eaton and Patricia Krueger, appointed by the President of the Senate.

**STATUTORY COMMITTEES****RSA 12-A:46 (established by HB 1552, Chapter 298:3, Laws of 2000) – TELECOMMUNICATIONS PLANNING AND DEVELOPMENT ADVISORY COMMITTEE**

The Governor, or designee;

The Commissioner of Resources and Economic Development, or designee;

Tom Towle, Director, Division of Information Technology Management, designee of the Commissioner of Administrative Services.

The Chairman of the Public Utilities Commission, or designee;

Rep. John H. Thomas, appointed by the Speaker of the House of Representatives;

Sen. Clifton C. Below, appointed by the President of the Senate; and

The following persons nominated by the Commissioner of Resources and Economic Development and appointed by the Governor and Council:

One member representing residential telecommunications customers;

One member representing large business telecommunications customers;

One member representing small business telecommunications customers;

One member representing educators providing distance learning;

One member representing municipal government;

One member representing county government;

One member representing a regional economic development organization or a regional planning commission; and

Up to 5 members representing several of the following sectors of the telecommunications industry: wireless, paging, incumbent local exchange carriers, competitive local exchange carriers, internet service providers, cable, long distance providers, and broadcast television. A member representing one sector may also represent one or more other sectors, as deemed appropriate by the Commissioner.

**RSA 12-J (amended by HB 1606, Chapter 204:2, Laws of 2000) – GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, INTERVENTION, AND TREATMENT**

Betsy Abrahams, Merrimack and William Butynski, Hinsdale (drug abuse prevention), Steven Arnold, Colebrook and David Charlesworth, MD, Bedford (drug abuse treatment) and Joseph Harding, Chester + one other (public members), appointed by the Governor and Council

Reps. William E. Leber and Russell N. Cox, appointed by the Speaker of the House.

Sens. Caroline McCarley and Edward Gordon, appointed by the President of the Senate.

The Attorney General.

The Adjutant General.

The Administrative Justice of the District and Municipal Courts, Hon. Edwin Kelley, Chairperson.

The Chairperson of the Liquor Commission.

The Commissioner of the Department of Health and Human Services.

The Commissioner of the Department of Youth Development Services.

The Commissioner of the Department of Education.

The Commissioner of the Department of Corrections.

The Commissioner of the Department of Safety.

The Director of the appropriate division responsible for alcohol and drug abuse prevention and recovery, Department of Health and Human Services.

The members under this paragraph shall serve terms coterminous with their terms in office.

#### **RSA 21-K:18 (established by HB 1368, Chapter 111:1, Laws of 2000) – CIVIL WAR MEMORIALS COMMISSION**

Reps. Robert L. Letourneau, Sherman A. Packard and Linda T. Foster, appointed by the Speaker of the House.

Sens. Sylvia B. Larsen, Thomas R. Eaton and Carl R. Johnson, appointed by the President of the Senate.

Russell Bastedo, designee of the State Curator.

Duane Shaffer, Newfields and Harold I. Williams, Hampstead, members from the Civil War Roundtable of New Hampshire, appointed by the Governor.

Steven Scarcello, Hillsborough, member from the Sons of the Union Veterans of the Civil War, appointed by the Governor.

Kenneth Leidner, Concord, member from the New Hampshire Veterans' Association, appointed by the Governor.

Fred W. Dejong, Derry and Rebecca Rutter, Derry, representing the public sector, appointed by the Governor.

#### **RSA 126-K:19 (established by HB 1594, Chapter 62:3, Laws of 2000) – TOBACCO USE ADVISORY**

Sen. George F. Disnard, appointed by the Senate President.

Rep. Kathleen M. Flora, appointed by the Speaker of the House.

The Commissioner of Health and Human Services, or designee.

Merry Fortier, Concord, designee of the Commissioner of the Department of Education.

One representative appointed by the Liquor Commission.

Kay Zaso, Lee, Ann Bradley, Hanover and one other public member, appointed by the Governor.

The following members shall be appointed by the Commissioner:

Kathy Mandeville, Bedford, representative of the New Hampshire Public Health Association.

Jon Wahrenberger, MD, Lebanon, representative of the New England affiliate of the American Heart Association.

Doug Barry, Bedford, representative of the American Lung Association of New Hampshire.

Jim David, Bedford, representative of the New Hampshire division of the American Cancer Society.

One representative of the New Hampshire Medical Society.

One representative of a community law enforcement agency.

One representative of the New Hampshire Hospital Association.

Two Representatives of the Smoke Free New Hampshire Alliance, of which one shall be a minor and one shall be a community coalition member.

James Sargent, MD, representative of the Norris Cotton Cancer Center.

#### **RSA 151-C:16 (established by SB 323, Chapter 312:3, Laws of 2000) – CERTIFICATE OF NEED STATUTE TASK FORCE**

Sens. James W. Squires and Kathleen W. Wheeler, appointed by the President of the Senate.

Reps. Andre A. Martel and Francine Wendelboe, appointed by the Speaker of the House.

John Wallace, designee of the Commissioner of the Department of Health and Human Services.

Dr. James Pilliod, appointed by the New Hampshire Medical Society.

Leslie Melby, Concord, appointed by the New Hampshire Hospital Association.

Michael P. Cimon, Gilford, appointed by the New Hampshire Ambulatory Surgery Association.

John Poirier, designee of the Executive Director of the New Hampshire Health Care Association.

Alex Feldvebel, Concord, designee of the Commissioner of .

Walter L. Maroney, designee of the Attorney General.

Tom Bunnell, representative of the Governor's Office.



Elizabeth Crory, appointed by the Chairperson of the Health Services Planning and Review Board.  
Hon. Marion L. Copenhaver, Etna and Dawn Touzin, Esq., Concord, two consumers, appointed by the Governor.

Anne Elizabeth, Brisson, Grantham, an economist knowledgeable in issues of health care, appointed by the Governor.

Robert Best, Concord, appointed by the New Hampshire Nurses Association.

The President of the New Hampshire Residential Care Association, or designee.

Les MacLeod, Wolfeboro, designee of the Chairperson of the Rural Health Coalition.

Henry D. Lipman, Laconia, designee of the Chairperson of the Community Hospital Coalition.

**RSA 188-E:13 (established by SB 431, Chapter 317:1, Laws of 2000) – YOUTH COUNCIL  
LEGISLATIVE MEMBERSHIP**

Two members of the House of Representatives, one of whom shall serve as an alternate, appointed by the Governor.

Two members of the Senate, one of whom shall serve as an alternate, appointed by the Governor.

**RSA 227-M:4 (established by SB 401, Chapter 245:1, Laws of 2000) – NEW HAMPSHIRE  
LAND AND COMMUNITY HERITAGE AUTHORITY**

Sens. Sylvia B. Larsen and Richard L. Russman, to be appointed by the Senate President.

Reps. H. Charles Royce and Martha Fuller Clark, to be appointed by the Speaker of the House.

Eight public members, to be appointed by the Governor and Council:

Two of whom shall represent cultural and historic resource interests;

One of whom shall represent natural resources interests;

One of whom shall represent outdoor recreation interests;

One of whom shall represent business or real estate interests;

One of whom shall represent municipal interests;

One of whom shall represent local planning interests; and

One of whom shall represent regional planning commissions.

The Director of the Office of State Planning, or designee.

The Commissioner of the Department of Cultural Resources, or designee.

The Commissioner of the Department of Resources and Economic Development, or designee.

The Commissioner of the Department of Environmental Services, or designee.

The Commissioner of the Department of Agriculture, Markets, and Food, or designee.

The Executive Director of the Department of Fish and Game, or designee.

**RSA 374:60 (established by HB 1329, Chapter 276:3, Laws of 2000) – GAS UTILITY  
RESTRUCTURING OVERSIGHT COMMITTEE**

Sens. Rick A. Trombly, Leo W. Fraser, Jr. and Burton J. Cohen, appointed by the Senate president.

Reps. Lawrence A. Guay, Roy D. Maxfield, Donald B. White, Gary R. Gilmore and Jacqueline A. Pitts, appointed by the Speaker of the House. The Speaker of the House may also appoint five additional House members as alternates, if deemed appropriate.

**RSA 621-A:9 (established by HB 1463, Chapter 294:6, Laws of 2000) – DEPARTMENT OF  
YOUTH DEVELOPMENT SERVICES ADVISORY BOARD**

Reps. Patricia A. Dowling and O. Alan Thulander (Finance), appointed by the Speaker of the House.

Sen. John A. King, appointed by the President of the Senate.

Scott MacLean, Concord, designee of the Commissioner of the Department of Youth Development Services.

The Commissioner of the Department of Health and Human Services or designee, who shall serve as an ex officio member.

Joyce Johnson, designee of the Commissioner of the Department of Education who shall serve as an ex officio member.

Judge Paul H. Lawrence, Goffstown District Court, appointed by the Administrative Justice of the District Courts.

Carol Schonfield, Laconia and Ellen-Ann Robinson, Nashua, appointed by the Executive Director or other appropriate appointing authority of the New Hampshire Association of Counties.

Six members, appointed by the Governor with the advice and consent of the Council, which shall include 2 members representing the interests of business and industry, 2 parents of children who are receiving or have received services from the Department, one member of state or local law enforcement, and one member from the general public.



**RESIGNATIONS, DEATHS, SPECIAL ELECTIONS****RESIGNED**

9/1/99	Merr. 2	Crowell, Peter O., r
9/1/99	Rock. 12	Dolan, Richard E., r

**RESIGNATIONS PURSUANT TO RSA 654:1-II**

6/16/00	Hills. 47	Pappas, Marc P., r
6/16/00	Straf. 3	Spear, Barbara L., r
6/16/00	Hills. 39	Williams, Carol, d

**DECEASED**

2/21/99	Coos 7	St. Hilaire, Paul E., r
11/8/99	Belk. 5	Golden, Paul A., r
11/19/99	Carr. 7	MacDonald, Kenneth J., r
2/5/00	Coos 7	Hawkinson, Marie C., d
6/20/00	Rock 19	Schanda, Frank M., d

**ELECTED, SWORN LATE**

01/06/99	Graf. 02	Marshall, Gene B., r
01/06/99	Hills. 43	Haley, Robert J., d
01/06/99	Merr. 13	Whitemore, James A., r
01/07/99	Rock. 20	Weatherspoon, Jackie K., d
01/20/99	Hills. 19	Carlson, Donald, r
03/16/99	Hills. 23	Searles, Stanley N., Sr., r

**SPECIAL ELECTIONS****Took oath**

03/16/99	Carr. 2	Sullivan, P. Judith, r
11/10/99	Coos 7	Gallus, John T., r
12/15/99	Rock. 12	Kelley, William, r
12/15/99	Merr. 2	Rosenfield, Jay, d
03/22/00	Belk. 5	Russell, David H., r

**party breakdown on the 400 seats**

Republicans:	230, R,	11 R&D	=	241
Democrats:	145, D	07 D&R	=	152
Independent		01 I&D	=	001

Currently elected and qualified	=	394
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Vacancies: Resignations 3, Deaths 3	=	006
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Total Seats	=	400
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Men: 270, Women: 124

**TABLE OF REFERENCES  
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2	SB 162	52	HB 449-FN	102	HB 1149
3	SB 176-FN-A	53	HB 568	103	HB 1151
4	SB 29-L	54	HB 569	104	HB 1160
5	HB 448	55	HB 617-FN-A-L	105	HB 1161
6	HB 1105	56	HB 630-FN-L	106	HB 1191-FN-L
7	HJR 6	57	HB 1179	107	HB 1194
8	HB 422	58	HB 1318	108	HB 1265-FN
9	SB 89-L	59	HB 1362-L	109	HB 1322
10	SB 222-FN-A-L	60	HB 1435	110	HB 1334-L
11	SB 36-FN-A	61	HB 1462	111	HB 1368-FN
12	HB 375	62	HB 1594-FN	112	HB 1373
13	HB 1381	63	HB 1613	113	HB 1382-FN
14	SB 147	64	SB 331	114	HB 1390
15	SB 178-FN-A	65	SB 333	115	HB 1405
16	HB 251	66	SB 336	116	HB 1422-FN
17	SB 228-FN	67	SB 357	117	HB 1465
18	HB 640-FN	68	HB 51	118	HB 1583
19	SB 354	69	HB 279-FN-A	119	HB 1614
20	HB 1616-FN	70	HB 699-FN-A	120	SB 186-FN
21	HB 580-FN-A-L	71	HB 1110	121	SB 307
22	HB 730-FN	72	HB 1172	122	SB 313
23	HB 1136	73	HB 1175	123	SB 322
24	HB 1141	74	HB 1199	124	SB 339-FN
25	HB 1186	75	HB 1234	125	SB 364
26	HB 1223	76	HB 1235	126	SB 370
27	HB 1386	77	HB 1256	127	SB 390-FN
28	HB 1397	78	HB 1311	128	SB 407-FN-L
29	SB 348	79	HB 1326	129	SB 417-FN-L
30	SB 356	80	HB 1337	130	SB 455
31	SB 362	81	HB 1374	131	SB 456
32	HB 86-A	82	HB 1416-FN	132	HB 305-A
33	HB 387	83	HB 1512-FN	133	HB 1450-FN
34	HB 1150	84	SB 76-L	134	SB 443-FN
35	HB 1566-FN	85	SB 381-FN	135	HB 1156
36	HB 246	86	HB 1127	136	HB 1200-FN
37	HB 1114-FN	87	HB 1185	137	HB 1357-FN
38	HB 1126	88	HB 1258-FN	138	HB 1404
39	HB 1134	89	HB 1264-FN	139	HB 1483
40	HB 1196-L	90	HB 1268-FN	140	SB 170-FN-A
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43	HB 1283	93	HB 1301	143	HB 1131-FN
44	HB 1287	94	HB 1321	144	HB 1163
45	HB 1378	95	HB 1413	145	HB 1242
46	HB 1409	96	HB 1502	146	HB 1344-FN
47	HB 1455	97	HB 1588	147	HB 1410
48	HB 1523	98	SB 319	148	HB 1412
49	SB 341	99	SB 352	149	HB 1454
50	SB 355	100	SB 377	150	HB 1459

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154	HB 1560-FN	208	SB 367	262	SB 378
155	SB 305	209	SB 392-FN	263	SB 389-FN
156	SB 311	210	SB 453	264	SB 409-FN
157	SB 325	211	SB 467	265	SB 413-FN
158	SB 327	212	SB 206-FN-A-L	266	SB 415-FN-L
159	SB 340	213	SJR 1	267	SB 419-FN
160	SB 344	214	HB 304	268	SB 424
161	SB 350	215	SB 318-FN	269	SB 428-FN-A
162	SB 351	216	SB 358	270	SB 403-FN-A
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169	SB 426-FN	223	HB 1177	277	HB 297-FN
170	SB 434-FN-L	224	HB 1210-L	278	HB 1418-FN-L
171	SB 452	225	HB 1250	279	HB 97
172	SB 454	226	HB 1308	280	HB 226-L
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175	HB 312	229	HB 1424	283	HB 417-FN-A
176	HB 427	230	HB 1431	284	HB 505-FN
177	HB 522	231	HB 1438-FN	285	HB 618-FN-A
178	HB 1102	232	HB 1448	286	HB 690-FN-L
179	HB 1107	233	HB 1582	287	HB 713-FN
180	HB 1130	234	HB 1602-FN	288	HB 725
181	HB 1195	235	HB 1627	289	HB 1188-FN-L
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190	SB 360	244	SB 397-FN-A-L	298	HB 1552-FN-A
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**2000**  
**HOUSE JOURNAL**  
**NUMERICAL INDEX**

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HJR	House Joint Resolutions
HCR	House Concurrent Resolutions
HR	House Resolutions
SB	Senate Bills
SJR	Senate Joint Resolution
SCR	Senate Concurrent Resolution
CACR	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
(K)	final action in 2 <sup>nd</sup> body
LT	Laid on the table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn

**2000 SESSION**  
**HOUSE BILLS**  
**1999 BILLS RE-REFERRED TO COMMITTEE**

**HB 51**, providing for registration of equipment used in the production of maple products and allowing the commissioner of the department of agriculture markets and food to adopt rules relative to standards for such equipment.

**new title:** providing for the voluntary registration of commercial maple producers and maple packers.

am & Finance 60-61, psd 190, 218, S conc 568, enr 614 (Chapter 68)

**HB 52**, exempting certain currants and gooseberries resistant to the white pine blister rust organism from restrictions on planting in control areas. K 34

**HB 53**, establishing a process for reviewing judges.

**new title:** relative to qualifications and appointments of marital masters.

am 110, psd 119, S K 1098

**HB 71-FN-L**, relative to authorizing agreements for the determination of each municipality's share of county costs.

K 39

**HB 75**, changing the number required for a quorum on the commission for human rights. nonconc S am, conf 171, 376 (no report filed), Clerk's note 1099

**HB 86-A**, making a capital appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

**new title:** making an appropriation for renovation of the Sawyer House at the Daniel Webster Birthplace in the city of Franklin.

am & Finance 83, am 205, psd 218, S conc 373, enr 442 (Chapter 32)

**HB 97**, relative to the right to farm.

nonconc S am, conf 269, 370, rep adp 924, enr 942 (Chapter 279)

**HB 107-FN-A**, establishing a tax review and adjustment study commission and making an appropriation therefor.

K 35

**HB 109-FN-A-L**, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

S study 221

**HB 113**, affirming sovereign immunity as it relates to the *Claremont* ruling.

S nonconc 221

**HB 200-FN-L**, relative to restructuring the juvenile justice system in New Hampshire. study 25

**HB 202**, legalizing the possession and cultivation of marijuana for medicinal purposes. study 27

**HB 209**, relative to authorizing the consideration of traditional village patterns in local zoning ordinances.

K 39

**HB 212**, relative to local ordinances or regulations affecting groundwater withdrawals.

K 44

**HB 226-L**, establishing municipality bond payment schedules and percentages.

am 39, psd 93, nonconc S am, conf 738, 886, rep adp 924, enr 942 (Chapter 280)

- HB 228**, clarifying permissible political expenditures.  
nonconc S am, conf 222, 370, rep adop 924, enr 942 (Chapter 281)
- HB 235-FN-A**, increasing the exemption amount under the interest and dividends tax.  
**new title:** increasing exemptions under the interest and dividends tax.  
SO (RC) 98-101, am (RC) 129-132, recon rej & psd 143, conc S am 693, enr 736, veto overridden (RC) & remarks 944-948, S sustained veto 1095
- HB 239-FN-A**, permitting the development of an industrial hemp industry in New Hampshire and continually appropriating a special fund.  
Finance (2 RCs) 61-66, am & study (RC) 205-210
- HB 246**, relative to personnel transfers at the department of safety.  
am 34, psd 92, S conc 442, enr 517 (Chapter 36)
- HB 251**, relative to official ballot procedures.  
S conc 221, enr am 267, enr 318 (Chapter 16)
- HB 254-L**, relative to restricting the fire marshal's authority in certain municipalities.  
**new title:** establishing a committee to study building inspector liability and other related matters.  
am 28, psd 92, S nonconc 733
- HB 273-FN-L**, relative to annual grants for school building aid.  
**new title:** establishing a school building aid oversight committee.  
am 33, psd 92, S nonconc 567
- HB 279-FN-A**, relative to refinancing the cost and rehabilitation of the Cheshire Bridge.  
am 75, psd 93, S conc 568, enr 614 (Chapter 69)
- HB 280-FN**, establishing a point system for the annual moose permit lottery.  
study 46-47
- HB 282-FN-A**, relative to bomb dogs and making an appropriation therefor.  
K 29
- HB 285**, providing that equalized value of property in small towns be calculated as a multi-year average.  
K 40
- HB 289**, relative to eligibility for child day care assistance.  
K 35
- HB 297-FN**, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission.  
**new title:** relative to the state commission for human rights and claims before it.  
am 75-76, psd 93, nonconc S am, conf 881, 886, rep adop 924, enr 942 (Chapter 277)
- HB 303-FN-A**, relative to the preservation of and access to legislative records and making an appropriation therefor.  
K 76
- HB 304**, relative to the confidentiality of criminal history records checks.  
**new title:** relative to school employee and volunteer background investigations.  
rem 25, SO 92, am 96-97, psd 119, conc S am 738, enr am 888, enr 891 (Chapter 214)
- HB 305-A**, making a capital appropriation to the department of administrative services for the construction of the new Jaffrey-Peterborough district courthouse.

**new title:** relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey.

**2<sup>nd</sup> new title:** relative to a lease-purchase agreement between Cheshire county and the state for construction of a new district courthouse to be located in the town of Jaffrey and increasing a capital appropriation to the department of safety.  
am & Finance 84, psd 211, 218, conc S am 571, enr am 615-616, enr 692 (Chapter 132)

**HB 309**, relative to motor vehicle insurance.  
study 26

**HB 310**, repealing the authority of the department of agriculture, markets, and food to conduct meat inspections and poultry products inspections.

**new title:** providing that the department of agriculture, markets, and food shall not conduct meat inspections unless and until such time as the United States Department of Agriculture withdraws its meat inspection program from the state.  
am 97-98, psd 119, S conc 690, enr 736 (Chapter 142)

**HB 311-FN-A**, relative to grants made under the New Hampshire incentive program.  
S nonconc 221

**HB 312**, restricting the carrying of firearms in courthouses.

**new title:** relative to the carrying of firearms in courthouses.  
am 29-30, psd 92, conc S am 693, enr am 734, enr 879 (Chapter 175)

**HB 314**, relative to the escrowing of certain utility payments.  
S study 221

**HB 326-FN**, requiring the department of health and human services to survey home health care agencies for compliance with federal regulations for medicare.  
K 37

**HB 335**, prohibiting the land application of sludge in reclamation areas.  
remt 98, K (RC) 202-205

**HB 349-FN-L**, relative to revising annual grant amounts for school building aid.  
K 57-58

**HB 359**, establishing a committee to study the rights of a private citizen to pursue a criminal investigation if he or she believes it is not being pursued vigorously.  
K 30

**HB 360-FN**, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.  
S nonconc 221

**HB 366**, repealing the requirement that persons filing for a primary on the last day of the filing period do so in person.  
S nonconc 144

**HB 375**, relative to substitutions for disqualified and deceased candidates.  
S conc 221, enr 254 (Chapter 12)

**HB 386**, establishing a committee to study allowing Internet service providers to restrict unsolicited electronic mail.  
study 45

**HB 387**, relative to local telephone calling areas, access charges, and competitive telephone services.  
am 113-115, psd 119, S conc 373, enr 442 (Chapter 33)



- HB 391**, establishing a village plan alternative in zoning and land use planning laws.  
K 40
- HB 405-FN**, relative to the definition of “placement cost” with regard to services for children, youth, and families provided by the department of health and human services.  
**new title**: relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs.  
**2<sup>nd</sup> new title**: relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.  
am & Finance 25-26, am 211, psd 218, S conc 879, enr 890, veto sustained (RC) 956-959
- HB 407**, relative to unsolicited telephone sales by competitive telephone and electricity providers.  
**new title**: establishing a committee to study unsolicited commercial telephone solicitation calls.  
am 45-46, psd 93, S nonconc 374
- HB 413-FN-A**, relative to the renovation of regional vocational education centers, and making an appropriation therefor.  
am & Finance 84-85, psd 211-212, 218, nonconc S am, conf 880, 886, rep adop 925, enr 942 (Chapter 282)
- HB 417-FN-A**, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor.  
**new title**: authorizing the department of transportation to engage an architectural firm to design an office complex and develop bid specifications for the conversion of the Walker building at New Hampshire hospital; making a bonded appropriation for the cost of the Walker building project and providing a funding option for the state treasurer regarding funding the project; and extending the lapse date of the appropriation for the Plaistow district court design.  
am & rcmt 76, rules suspended 217, am 507-508, psd 517, nonconc S am, conf 880, 886, rep adop 925, enr 942 (Chapter 283)
- HB 422**, relative to advertising by rent-to-own businesses.  
conc S am 171, enr 221 (Chapter 8)
- HB 427**, relative to the laws requiring a prescription to possess hypodermic needles and modifying the drug paraphernalia laws applying to syringes.  
psd 95, 119, S conc 688, enr am 690-691, 732, enr 879 (Chapter 176)
- HB 434**, providing that health care providers shall determine the appropriate course of patient treatment.  
K 26
- HB 445**, relative to straight ticket voting procedures.  
K 121
- HB 446-L**, subjecting certain land in the town of Newport to local land use regulations.  
study 40
- HB 448**, relative to the board of dental examiners and the regulation of dentists and dental hygienists.  
S conc 144, enr am 145, enr 170 (Chapter 5)
- HB 449-FN**, requiring boating safety education.  
conc S am 376, enr am 443, enr 569 (Chapter 52)
- HB 457**, extending the committee to study electric rate reduction financing.  
am 115, psd 119, S nonconc 733
- HB 466**, establishing a commission to study education options in school districts not maintaining a high school.  
K 97

**HB 470**, relative to settlement of personal actions.  
S nonconc 221

**HB 478**, prohibiting smoking in all areas of prisons.  
K 30

**HB 493-FN**, relative to alteration of sample ballots.  
K 34

**HB 499-FN**, relative to payment by the state of the cost of medical insurance benefits for certain New Hampshire retirement system members.  
K 34

**HB 505-FN**, establishing a special license plate for veterans.

**new title:** establishing a special license plate for veterans and allowing certain veterans to be issued special number plates without charge.

**2<sup>nd</sup> new title:** establishing a special license plate for veterans.

rem 25, rcmt 92, am 215-216, psd 218, nonconc S am, conf 693, 886, rep adop 924, enr am 938, enr 942 (Chapter 284)

**HB 507-L**, relative to the taxability of certain appurtenant land to a taxable building.  
K 83

**HB 514-L**, establishing open enrollment provisions in the school districts of the state.

**new title:** relative to change of school assignment and transfers of public school pupils.  
am 58-59, psd 93, S nonconc 567

**HB 521-L**, exempting initial bond issues from the 10 percent limitation on exceeding appropriations recommended by the budget committee.

**new title:** allowing municipalities that have adopted the municipal budget act to override the 10 percent limitation on exceeding appropriations recommended by the budget committee.

**2<sup>nd</sup> new title:** providing a procedure to allow municipalities that have adopted the municipal budget act to override the 10 percent limitation imposed on appropriations not recommended by the budget committee.

am 40-41, psd 93, conc S am 738, enr 890 (Chapter 193)

**HB 522**, relative to the public's access to sex offender registry information.  
am 30-31, psd 92, conc S am 693, enr am 734, enr 879 (Chapter 177)

**HB 528**, adding penalty provisions to the unfair claim settlement practices by insurers law.  
study 26

**HB 536**, See Separate Heading below, 1999 House Bill Remaining on the Table

**HB 539-FN**, relative to public access to Squam Lake.  
study 44-45

**HB 542-FN-A**, repealing the legacies and succession tax.  
rej consideration of S am (RC) 694-696, conc S am 875, enr 891, veto overridden (RC) 959-963, S sustained veto 1095

**HB 543**, relative to fill and dredge permits for breakwaters.  
study 45

**HB 553-FN-A**, establishing a commission on the status of men.

**new title:** establishing a committee to study the status of men.

nonconc S am, conf 253, 370, rep adop 925, enr 937, appointments 1101 (Chapter 272)

**HB 555**, relative to representation of a child during child interviews.  
study 26

- HB 560-FN**, relative to the suspension or revocation of youth operators' licenses.  
study 46
- HB 568**, establishing a review panel to review judicial officers.  
**new title:** establishing a program for performance evaluations of judges.  
am 37-38, psd 92, S conc 567, enr 569 (Chapter 53)
- HB 569**, relative to the tax credit for service-connected total disability.  
am 41-42, psd 93, S conc 442, enr am 443, enr 569 (Chapter 54)
- HB 571**, relative to joint legal and physical custody of children.  
K 26
- HB 575**, limiting railroad liability for passenger and tourist rail service.  
study 38
- HB 579-FN**, relative to eligibility for unemployment benefits for certain persons commensurate with their attachment to the workforce.  
study 110
- HB 580-FN-A-L**, creating a new tourism district and making an appropriation therefor.  
**new title:** authorizing a grant from funds appropriated to the joint promotional program for the purpose of marketing the Connecticut river area as a travel and tourism destination.  
am & Finance 86-87, psd 190, 218, S conc 373, enr 374 (Chapter 21)
- HB 595-L**, enabling municipalities to grant the elderly property tax exemption to an additional person in a household.  
K 110-111
- HB 598-FN**, relative to the licensure of x-ray technicians.  
K 35
- HB 611**, relative to performance standards for telephone companies providing noncompetitive services.  
K 46
- HB 613-FN-L**, consolidating the pari-mutuel commission and sweepstakes commission into a gaming commission.  
K 67
- HB 617-FN-A-L**, relative to funding and monitoring seacoast harbor issues.  
am 77-79, psd 93, S conc 567, enr 569, appointments 1101 (Chapter 55)
- HB 618-FN-A**, establishing a voucher program for smoking cessation and continually appropriating a special fund.  
**new title:** establishing a voucher program for smoking cessation.  
am 79, psd 93, nonconc S am, conf 883, 886, rep adop 924, enr 942 (Chapter 285)
- HB 628**, relative to the relocation of the principal residence of a child.  
**new title:** relative to the relocation of the principal residence of a child and establishing a regional youth center pilot program in Hillsborough county and in a central location within Coos, Grafton, Carroll, and Belknap counties.  
am 94-95, psd 119, nonconc S am, conf 883, 886, 891, rep adop (RC) 931-933, enr am 938, enr 942, veto sustained (RC) 969-972
- HB 630-FN-L**, relative to the Skyhaven airport transfer plan.  
am 35-36, psd 92, S conc 567, enr 569 (Chapter 56)
- HB 631-FN**, authorizing the department of safety to issue photographic identification cards to persons required to have criminal background checks for employment or other lawful purposes.  
K 31-32

- HB 636-FN**, relative to public safety employee collective bargaining negotiations under the public employee labor relations act.  
study 38-39
- HB 637-FN**, including persons who make medical decisions as practicing medicine.  
**new title:** establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.  
am & LT 47-55, Clerk's note 1099
- HB 640-FN**, relative to grievance procedures of managed care organizations.  
**new title:** establishing certain standards of accountability for health maintenance organizations and other entities providing health insurance through a managed care system.  
conc S am & remarks 222-223, enr 320 (Chapter 18)
- HB 641-L**, clarifying the value of public utility property for property tax purposes.  
study 42-43
- HB 647-FN**, relative to health care providers and provider agreements with health insurers.  
K 26
- HB 648-FN**, relative to a sludge testing program.  
am & Finance 66-67, am 212, psd 218, nonconc S am, conf 880, 886, rep adop 925, enr 942, veto overridden (RC) 972-974, S overrode veto 1095 (Chapter 326)
- HB 662-FN**, relative to the duties of the liquor commission.  
K 55
- HB 683-FN**, requiring teachers and school administrators to report incidents of disruptive behavior by students.  
am 32, psd 92, conc S am 737, enr 890 (Chapter 194)
- HB 690-FN-L**, relative to charter schools and open enrollment districts.  
**new title:** establishing a committee to study charter schools and open enrollment school districts  
nonconc S am, conf 881, 886, rep adop 925, enr 942, appointments 1101 (Chapter 286)
- HB 692-FN-A**, adopting a single sales factor method of apportionment under the business profits tax.  
study 36
- HB 693-FN**, limiting access to certain business records.  
study 95
- HB 696-FN-L**, relative to the taxation of land held by municipalities for water supply purposes.  
study 43
- HB 699-FN-A**, establishing the granite state scholars program and making an appropriation therefor.  
am 79-80, psd 93, S conc 567, enr am 568, enr 599 (Chapter 70)
- HB 713-FN**, relative to penalties for multiple DWI offenses.  
**new title:** relative to ignition interlock systems for certain DWI offenders.  
**2nd new title:** relative to ignition interlock systems for certain DWI offenders and increasing the penalty for reckless driving.  
am & rcmt 55-57, am 186-188, psd 218, nonconc S am, conf 738, 886, rep adop 924, enr am 938, enr 942 (Chapter 287)
- HB 717-FN-A**, establishing a child care incentive program for training child care workers, and making an appropriation therefor.  
study 26



- HB 723-FN**, relative to standby and emergency guardianship proxies.  
S K 1098
- HB 725**, relative to rulemaking under the administrative procedures act.  
am & Finance 67-75, am 190, psd 218, nonconc S am, conf 881, 886, 891, rem 924, rep adop 930, enr am 938, enr 942, committee amended 1100 (Chapter 288)
- HB 730-FN**, establishing a pilot program for the recording of committee proceedings of the general court.  
**new title:** establishing a house committee to review methods for recording committee sessions, authorizing a request for proposals, and making an appropriation therefor.  
am 82-83, psd 93, S conc 371, enr 374, appointments 1101 (Chapter 22)
- HB 733**, relative to a state master plan for the deployment of personal wireless service facilities.  
**new title:** relative to a state master plan for the deployment of personal wireless service facilities and establishing a committee to study state wireless communications policy.  
am 115-118, psd 119, conc S am 875, enr am 890-891, enr 923, appointments 1101 (Chapter 240)
- HB 735-FN-A**, establishing a contributory judicial retirement plan.  
rcmt 80, rules suspended 217, 565, study 623-624
- HB 747-FN-A-L**, relative to the education property tax and adequate education grants.  
K 36-37

## 2000 SESSION

### 1999 HOUSE BILL REMAINING ON THE TABLE

- HB 536**, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power.  
rem from table & rcmt 120, study 213-214

## 2000 SESSION

### HOUSE BILLS

- HB 1101**, establishing a Pillsbury state park advisory commission. (J. Phinizy, Sull 7; et al: Resources, Recreation and Development)  
3, K (RC) 255-257
- HB 1102**, relative to accessibility of veterans' disability payments in divorce cases. (Rubin, Rock 25: Children and Family Law)  
3, am 404-405, psd 441, S conc 690, enr am 732, enr 879 (Chapter 178)
- HB 1103**, relative to the number of motor vehicle dealer plates. (Robertson, Ches 18; et al: Transportation)  
3, rem 223, K 262
- HB 1104**, limiting the liability of paramedics caring for patients in transport between hospitals. (Brothers, Graf 6: Judiciary)  
3, K 331
- HB 1105**, ratifying the 1999 Seabrook annual town meeting. (O'Keefe, Rock 21; et al: Municipal and County Government)  
**new title:** ratifying article 9 of the 1999 Seabrook annual town meeting.  
**2<sup>nd</sup> new title:** ratifying article 9 of the 1999 Seabrook annual town meeting and the 1999 Epping annual town meeting.  
3, am 178-179, psd 183, conc S am 217, enr 218 (Chapter 6)
- HB 1106**, making the widening of Interstate 93 from Manchester to the Massachusetts border a state priority. (Letourneau, Rock 13; et al: Public Works and Highways)  
3, am 214, psd 218, nonconc S am, conf 883, 887, rep adop 925, enr 937 (Chapter 273)

- HB 1107**, establishing a committee to study whether the public utilities commission should regulate Internet service providers. (Quandt, Rock 20: Science, Technology and Energy)  
**new title:** relative to the duties of the oversight committee on telecommunications concerning telephone utility line use congestion.  
3, am 485-486, psd 516, S conc 733, enr 879, committee amended 1100 (Chapter 179)
- HB 1108**, relative to waiver of attendance at child impact seminars. (Babson, Carr 5: Children and Family Law)  
3, K 377
- HB 1109**, relative to the modification of spousal support orders. (Babson, Carr 5: Children and Family Law)  
3, rem 321, am 362, psd 370, S nonconc 689
- HB 1110**, establishing a committee to study landlord-tenant issues. (L. Jean, Hills. 17; et al: Judiciary)  
3, am 230, psd 266, S conc 568, enr am 569, enr 614, appointments 1101 (Chapter 71)
- HB 1111**, relative to the adoption by reference of the International Property Maintenance Code for municipalities. (O'Neil, Rock 22: Municipal and County Government)  
3, SO 305, K (RC) 357-360
- HB 1112**, prohibiting the use of the far left lane on the interstate for anything other than passing. (Mirski, Graf 12: Transportation)  
3, K 236
- HB 1113**, raising the maximum price for lucky 7 tickets. (O'Keefe, Rock 21; et al: Finance)  
3, psd 327, 369, S K 1098
- HB 1114-FN**, relative to creditable service in the retirement system for teachers in a job-sharing position. (Dyer, Hills 8; et al: Executive Departments and Administration)  
3, am 228, psd 266, S conc 442, enr 517 (Chapter 37)
- HB 1115-FN**, relative to purchasing credit for prior service for certain employees in the retirement system. (Dyer, Hills 8; et al: Executive Departments and Administration)  
3, K 277-278
- HB 1116-FN**, prohibiting partial-birth abortions. (Woods, Straf 11; et al: Judiciary)  
3, K (RC) 423-425, recon rej (2 RCs) 488-493, remarks 517
- HB 1117-FN-A**, establishing a retail sales fee on alcoholic beverages. (Moriarty, Hills 18: Finance)  
3, K 149
- HB 1118**, establishing a committee to study the feasibility and value of encouraging the construction and operation on state park lands of publicly or privately-owned hotels, conference centers and other resort facilities. (Langone, Rock 13; et al: Public Works and Highways)  
3, K 195
- HB 1119**, establishing a commission to investigate health care issues. (Packard, Rock 29; et al: Commerce)  
3, K 378
- HB 1120-L**, relative to the definition of net assets in the elderly exemption to property taxes. (Beaulieu, Rock 11; et al: Municipal and County Government)  
3, K 334
- HB 1121-FN**, relative to admission to Wellington state park by residents of the town of Alexandria. (Scanlan, Graf 11: Resources, Recreation and Development)  
3, K 234
- HB 1122**, relative to firewards. (Boyce, Belk 5: Municipal and County Government)  
3, K 151

- HB 1123-FN-L**, relative to local planning and zoning enforcement procedures. (Boyce, Belk 5; et al: Municipal and County Government)  
3, K 254
- HB 1124-L**, relative to local building codes. (Boyce, Belk 5; et al: Municipal and County Government)  
3, psd 231, 266, conc S am 738, enr 890 (Chapter 195)
- HB 1125**, protecting the confidentiality of telecommunications customer information. (Boyce, Belk 5: Science, Technology and Energy)  
3, K 197
- HB 1126**, relative to requiring certain employers to pay time-and-one-half wages for hours worked on Sundays. (P. Katsakiores, Rock 13; et al: Labor, Industrial and Rehabilitative Services)  
**new title**: relative to repealing the prohibition on rewards for procuring employment.  
3, am 231, psd 266, S conc 442, enr 517 (Chapter 38)
- HB 1127**, establishing a committee to study the application and appeal procedures for excavating and dredging permits. (Phinizy, Sull 7; et al: Resources, Recreation and Development)  
4, am 287, psd 318, S conc 615, enr 652, appointments 1101 (Chapter 86)
- HB 1128**, allowing enhanced 911 funds to be used for certain uniform costs. (P. Katsakiores, Rock 13; et al: Finance)  
4, K 279-280
- HB 1129-FN**, relative to wetlands scientists. (Kibbey, Sull 4: Executive Departments and Administration)  
4, K 466
- HB 1130**, relative to persons conducting alcohol concentration tests. (Christie, Rock 22: Criminal Justice and Public Safety)  
4, am 148, psd 169, S conc 733, enr 879 (Chapter 180)
- HB 1131-FN**, relative to license revocations and suspensions. (R. Nowe, Rock 3; et al: Criminal Justice and Public Safety)  
4, am 385, psd 440, S conc 690, enr 736 (Chapter 143)
- HB 1132-L**, relative to exemptions and credits to property taxes when the property is sold. (Thulander, Hills 6: Municipal and County Government)  
4, K 231-232
- HB 1133**, establishing a committee to study issues regarding martial arts instruction in the state. (Goulet, Hills 15; et al: Executive Departments and Administration)  
4, K 466
- HB 1134**, establishing a committee to study mental health care treatment under managed care plans. (Crosby, Merr 20; et al: Commerce)  
4, psd 224, 266, S conc 442, enr am 443, enr 517, appointments 1101 (Chapter 39)
- HB 1135**, establishing a committee to study whether the governor should mediate negotiations between health care providers and insurance companies. (Quandt, Rock 20; et al: Commerce)  
4, K 378
- HB 1136**, adding the dean of the college for lifelong learning to the university system of New Hampshire board of trustees. (Larrabee, Merr 9; et al: Education)  
**new title**: relative to the university system of New Hampshire board of trustees.  
4, am 148, psd 169, S conc 371, enr am 372-373, enr 374 (Chapter 23)
- HB 1137**, relative to bingo and lucky 7 volunteers. (Cooney, Rock 26; et al: Criminal Justice and Public Safety)  
4, K 225

- HB 1138**, requiring warnings for certain antitheft devices. (Ruffner, Rock 25; et al: Commerce) 4, K 322-323
- HB 1139**, establishing a committee to study involuntary emergency admission hearings. (Manning, Ches 9; et al: Judiciary) 4, psd 331, 369, S conc 880, enr 891, appointments 1101 (Chapter 221)
- HB 1140**, establishing a committee to study the department of corrections. (Quandt, Rock 20; et al: Criminal Justice and Public Safety) 4, study 273-274
- HB 1141**, relative to access highways to public waters. (Royce, Ches 9; et al: Public Works and Highways) 4, psd 152, 169, S conc 371, enr 374 (Chapter 24)
- HB 1142**, establishing a study committee to evaluate the Medicaid "In and Out" Program. (Virtue, Merr 9; et al: Health, Human Services and Elderly Affairs) 4, K 149
- HB 1143-FN**, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway." (Bradley, Carr 8; et al: Public Works and Highways) 4, psd 233, 266, S conc 688, enr 692 (Chapter 101)
- HB 1144-L**, relative to the property tax exemption of not-for-profit hospitals. (Weyler, Rock 18; et al: Municipal and County Government)  
**new title:** establishing a committee to study the exemption from property taxes for not-for-profit hospitals.  
4, am 476-477, psd 516, S nonconc 879
- HB 1145**, limiting the liability of the state and its employees for personal injuries and civil damages resulting from fire standards and training instruction and programs. (Welch, Rock 18; et al: Judiciary)  
**new title:** limiting the liability of state certified fire instructors.  
4, am 475, psd 516, S conc 733, enr am 735, enr 890 (Chapter 196)
- HB 1146-L**, relative to tax increment financing. (Patten, Carr 9: Municipal and County Government) 4, am 395-397, psd 441, conc S am 842, enr 891 (Chapter 222)
- HB 1147**, relative to the right-to-know law and electronic communication. (Quandt, Rock 20: Judiciary) 4, K 194
- HB 1148-FN-L**, relative to certain weighted pupils within the adequate education grant distribution formula. (Boyce, Belk 5: Finance) 4, com change rej (RC) 140-143, K 471
- HB 1149**, commemorating the anniversary of the founding of certain branches of the United States armed forces. (Dalianis, Hills 35; et al: State-Federal Relations and Veterans Affairs) 4, psd 181, 183, S conc 688, enr 692 (Chapter 102)
- HB 1150**, relative to voter registration for official ballot meetings. (Flanagan, Rock 14; et al: Election Law) 4, psd 149, 169, S conc 373, enr 442 (Chapter 34)
- HB 1151**, establishing a committee to study the creation of a New Hampshire local government records management trust and to consider funding alternatives. (Dokmo, Hills 14; et al: Municipal and County Government) 4, am 285-286, psd 318, S conc 688, enr 692, appointments 1102 (Chapter 103)



- HB 1152**, relative to the establishment of crossbow hunting seasons. (Brothers, Graf 6; et al: Wildlife and Marine Resources)  
5, study 198
- HB 1153**, establishing a committee to study and assess the impact on traffic on NH Routes 121 and 102 in Chester from the proposed interchange off exit 4A on Interstate 93 in Derry. (Hamel, Rock 10; et al: Public Works and Highways)  
5, K 195
- HB 1154-FN**, prohibiting general fund appropriations and transfers of general fund surplus to supplement the education trust fund. (Jacobson, Merr 2: Finance)  
5, rem 377, K 439
- HB 1155**, excepting for-profit blood suppliers from limitations on strict liability. (Gilman, Graf 1; et al: Judiciary)  
5, com changed 25, K 280
- HB 1156**, establishing June 20<sup>th</sup> each year as Destroyer Escort Day. (Fenton, Hills 24; et al: State-Federal Relations and Veterans Affairs)  
5, psd 181, 183, S conc 689, enr am 691, enr 733 (Chapter 135)
- HB 1157**, establishing a committee to study incentives to attract individuals to the teaching profession. (Arndt, Rock 27; et al: Education)  
5, K 325
- HB 1158**, relative to state park campground reservations. (Cooney, Rock 26: Resources, Recreation and Development)  
5, K 287
- HB 1159**, establishing a committee to study the origins and destinations of truck traffic at the exit 3 truck stop in the town of Greenland. (Shultis, Rock 33; et al: Public Works and Highways)  
5, K 195
- HB 1160**, relative to access to the enhanced 911 system. (Francoeur, Rock 22: Commerce)  
5, am 323, psd 369, S conc 689, enr 692 (Chapter 104)
- HB 1161**, making technical changes to the New Hampshire Aeronautics Act and establishing a committee to study revisions to the state aeronautics laws. (Milligan, Hills 18; et al: Transportation)  
5, psd 152, 169, conc S am 571, enr am 616, enr 692, appointments 1102 (Chapter 105)
- HB 1162**, establishing a committee to study the petition process, record keeping procedures, and costs of services in CHINS cases. (Lyman, Carr 5: Children and Family Law)  
5, K 186
- HB 1163**, relative to the date of decision for appeals of zoning matters. (Hess, Merr 11; et al: Municipal and County Government)  
5, am 397-398, psd 441, S conc 690, enr 736 (Chapter 144)
- HB 1164**, relative to insurance compliance self audits. (Russell, Ches 15: Commerce)  
5, study 518
- HB 1165-FN-L**, reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley. (E. Smith, Ches 6; et al: Public Works and Highways)  
**new title:** reclassifying certain roads in the towns of Northfield, Tilton, and Waterville Valley, authorizing a certain district to issue bonds and notes and authorizing an overlay.  
5, am 195, psd 218, conc S am 738, enr 890 (Chapter 197)
- HB 1166**, relative to confidentiality and information collection by the department of agriculture, markets, and food. (Melcher, Hills 11; et al: Environment and Agriculture)  
5, am 293-294, psd 318, S nonconc 568

- HB 1167**, exempting certain dog trainers from the requirement of possessing a hunting license. (O'Neil, Rock 22; et al: Wildlife and Marine Resources)  
5, K 154
- HB 1168**, establishing a committee to study the merits of limiting the use of social security numbers as identifiers. (Bruno, Hills 4; et al: Judiciary)  
5, am 230, psd 266, S nonconc 442
- HB 1169**, relative to gates and bars on class VI roads. (Philbrick, Carr 4; et al: Public Works and Highways)  
5, rem 177, psd 182, 183, S nonconc 689
- HB 1170**, relative to recreational vehicle parking at property contiguous to certain motorsports facilities. (Babson, Carr 5: Resources, Recreation and Development)  
5, K 196
- HB 1171**, restricting the payment of salaries to suspended judicial officers. (Soltani, Merr 10: Judiciary)  
5, psd 331, 369, S nonconc 689 (S recon & study)
- HB 1172**, providing staggered terms for agricultural advisory board members. (Musler, Straf 6; et al: Environment and Agriculture)  
5, am 326, psd 369, S conc 568, enr 614 (Chapter 72)
- HB 1173-L**, relative to the optional veterans' tax credit. (Twardus, Straf 13; et al: Municipal and County Government)  
5, rem 270, K (RC) 314-317
- HB 1174**, establishing a committee to study the feasibility of creating an umbrella-type agency for health care. (Quandt, Rock 20; et al: Commerce)  
5, K 379
- HB 1175**, relative to license renewal for dental hygienists. (Dyer, Hills 8: Executive Departments and Administration)  
5, psd 149, 169, S conc 567, enr am 568-569, enr 614 (Chapter 73)
- HB 1176**, relative to publication of notice of meetings of the joint health council. (Dyer, Hills 8; et al: Executive Departments and Administration)  
5, K 149
- HB 1177**, relative to the effective date of legislation establishing a chartered or statutory legislative committee. (Dyer, Hills 8; et al: Legislative Administration)  
6, rem 445, psd 515, 517, S conc 882, enr 891 (Chapter 223)
- HB 1178**, relative to using state funds for changing the name of a state agency or department. (Harmon, Graf 8; et al: Finance)  
6, com change rej (RC) 140-143, K 280
- HB 1179**, relative to final orders of the public utilities commission. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
6, am 234-235, psd 266, S conc 567, enr 569 (Chapter 57)
- HB 1180-FN**, relative to separating the budget for New Hampshire public television from the university system of New Hampshire budget. (Hinman, Graf 7; et al: Finance)  
6, com change rej (RC) 140-143, K 327
- HB 1181**, establishing a study committee to examine the costs of private adoption. (Leishman, Hills 13: Children and Family Law)  
6, K 270
- HB 1182**, relative to eligibility for unemployment benefits for school employees. (Rodrigue, Coos 7: Labor, Industrial and Rehabilitative Services)  
6, K 333

- HB 1183**, relative to consumer access to providers for the term of the consumer's health benefit plan and extending the reporting date of a committee. (K. Herman, Hills 13; et al: Commerce)  
**new title:** relative to consumer access to providers for the term of the consumer's health benefit plan and relative to the committee studying certain financial arrangements.  
6, am 519-520, psd 566, conc S am 737, enr 890, appointments 1102 (Chapter 198)
- HB 1184**, relative to minimum participation requirements for small employers. (K. Herman, Hills 13: Commerce)  
6, study 273
- HB 1185**, extending the report date of the committee established to study mercury source reduction and recycling issues to November 1, 2000. (Musler, Straf 6; et al: Environment and Agriculture)  
6, psd 326-327, 369, S conc 615, enr 652, report date extended 1100 (Chapter 87)
- HB 1186**, extending the reporting date of the Sullivan county regional refuse disposal district issues study committee. (Patten, Carr 9; et al: Environment and Agriculture)  
6, psd 149, 169, S conc 371, enr 374, report date extended 1100 (Chapter 25)
- HB 1187-FN-L**, allowing the public employee labor relations board to decertify a bargaining unit. (Boyce, Belk 5: Labor, Industrial and Rehabilitative Services)  
6, K 333
- HB 1188-FN-L**, relative to alternative kindergarten programs. (D. White, Hills 25: Education)  
6, am & Finance 276-277, am 508, psd 517, nonconc S am, conf 813, 887, rep adop 925, enr 942 (Chapter 289)
- HB 1189-FN**, relative to benefit amounts, fees assessed and the application of the state unemployment compensation law. (Turner, Belk 7; et al: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to the eligibility of certain temporary, part-time workers to receive unemployment compensation for services performed for the state or for a charitable organization.  
6, am 393, psd 441, nonconc S am, conf 881, 887, rep adop 925, enr am 938, enr 942 (Chapter 290)
- HB 1190-FN**, requiring that fiscal notes specify the exact amount of the fiscal impact. (Putnam, Rock 15: Legislative Administration)  
6, K 475
- HB 1191-FN-L**, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas. (O'Hearn, Hills 26; et al: Education)  
6, am 325-326, psd 369, S conc 689, enr 692 (Chapter 106)
- HB 1192-FN**, creating an exemption from tolls within the New Hampshire turnpike system for members of the New Hampshire national guard. (Kenney, Carr 6: Public Works and Highways)  
6, K 182
- HB 1193-FN**, relative to the penalty for non-moving violations by youth operators. (Langley, Rock 24: Transportation)  
6, K 488
- HB 1194**, relative to the composition of planning boards in certain cities. (Gilmore, Straf 11; et al: Municipal and County Government)  
6, am 334-335, psd 370, S conc 689, enr 692 (Chapter 107)
- HB 1195**, making technical changes to the law regulating acupuncture. (Bradley, Carr 8; et al: Executive Departments and Administration)  
6, am 466-467, psd 516, S conc 690, enr am 732, enr 879 (Chapter 181)

- HB 1196-L**, giving the police department of Lincoln authority to respond to emergency situations and exercise police duties in the unincorporated place of Livermore. (Ham, Graf 4: Criminal Justice and Public Safety)  
6, psd 189, 218, S conc 442, enr 517 (Chapter 40)
- HB 1197**, encouraging school districts to offer instruction on the causes and effects of the Great Irish Hunger. (W. McCarthy, Hills 41; et al: Education)  
6, K (RC) 156-158
- HB 1198**, establishing a procedure for the 2001 voter checklist verification. (Arndt, Rock 27; F. Davis, Merr 12: Election Law)  
6, rem 147, SO 168, am 175-176, psd 183, nonconc S am, conf 377, 566, rep adop 925, enr 942 (Chapter 291)
- HB 1199**, establishing a study committee on funding for affordable housing. (Potter, Merr 24; et al: Finance)  
6, am 280, psd 318, S conc 568, enr 599, appointments 1102 (Chapter 74)
- HB 1200-FN**, relative to the application of education property tax hardship relief to real estate trusts. (Chandler, Carr 1; et al: Finance)  
**new title:** relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.  
**2<sup>nd</sup> new title:** relative to the application of education property tax hardship relief to estate planning trusts.  
**3<sup>rd</sup> new title:** relative to the application of education property tax hardship relief to estate planning trusts and relative to eligibility for hardship relief.  
145, am 212-213, psd 218, nonconc S am, conf 377, 566, rep adop 652, enr am 691, enr 733 (Chapter 136)
- HB 1201**, creating a committee to study incentives for regionalization of sludge and septage facilities. (Patten, Carr 9: Environment and Agriculture)  
6, study 356
- HB 1202-L**, making technical corrections to 1999, 17 as amended. (Patten, Carr 9: Finance)  
**new title:** making technical corrections to 1999, 17 as amended and relative to fixing and mailing procedures in the administration and appeal of state and local taxes.  
**2<sup>nd</sup> new title:** making technical corrections to 1999, 17 as amended, relative to filing and mailing procedures in the administration and appeal of state and local taxes, and relative to disclosure of information for purposes of the tax modeling system.  
6, am 388-390, psd 440, nonconc S am, conf 882, 887, rep adop 925, enr 937 (Chapter 239)
- HB 1203-L**, relative to the cost to municipal libraries of access to services of the state library. (Mock, Carr 3; et al: Executive Departments and Administration)  
**new title:** relative to the adoption of rules by the commissioner of cultural resources regarding public libraries.  
7, am 467-468, psd 516, S K 1098
- HB 1204-FN**, relative to plant seeds that have artificially heightened resistance to herbicides and pesticides. (Lynde, Hills 24; et al: Commerce)  
7, K 337
- HB 1205-L**, relative to tax exemption for noise pollution control facilities. (MacGillivray, Hills 21: Municipal and County Government)  
7, K 232
- HB 1206**, extending the reporting date of the committee studying alcohol and drug abuse prevention. (Leber, Merr 1; et al: Health, Human Services and Elderly Affairs)  
7, psd 149, 169, S conc 442, enr 517, report date extended 1100 (Chapter 41)



- HB 1207**, relative to establishing a retired status for licensed plumbers. (W. Phinney, Graf 8: Executive Departments and Administration)  
7, K 468
- HB 1208**, relative to the appointment of non-certified employees within a school administrative unit. (Scanlan, Graf 11; et al: Education)  
7, K 248
- HB 1209**, restricting construction of class B and class C dams. (Royce, Ches 9: Resources, Recreation and Development)  
**new title:** relative to the construction and reconstruction of class B and class C dams.  
7, am 484-485, psd 516, S conc 733, enr 879 (Chapter 182)
- HB 1210-L**, relative to capital reserve funds. (Patten, Carr 9; et al: Municipal and County Government)  
7, am 398-399, psd 441, S conc 879, enr am 888, enr 891 (Chapter 224)
- HB 1211**, establishing a committee to study the health effects of child immunizations. (D. Hall, Graf 13; et al: Health, Human Services and Elderly Affairs)  
7, K 161
- HB 1212**, relative to extending the reporting date of the open adoption study committee. (Bickford, Straf 1; et al: Children and Family Law)  
7, psd 148, 169, nonconc S am, conf 617, 689, rep adop 924 (unable to agree)
- HB 1213**, establishing a commission to develop a pilot program for displaced veterans. (Leonard, Hills 39; et al: State-Federal Relations and Veterans Affairs)  
7, K 257-258
- HB 1214-L**, relative to municipal permits for registration of motor vehicles. (Gilmore, Straf 11; et al: Municipal and County Government)  
7, K 232
- HB 1215**, establishing a committee to study school nurse certification. (French, Merr 3; et al: Health, Human Services and Elderly Affairs)  
7, K 280
- HB 1216**, relative to petitions for warrant articles. (Quandt, Rock 20: Municipal and County Government)  
7, psd 399, 441, S conc 879, enr 890 (Chapter 199)
- HB 1217**, establishing a committee to study marriage preparation. (French, Merr 3; et al: Children and Family Law)  
7, K 223
- HB 1218**, relative to discipline of state employees or officers making willful false statements. (Gilman, Graf 1; et al: Executive Departments and Administration)  
7, K 468
- HB 1219**, relative to elected officials with corporate conflicts of interests. (Owen, Merr 6: Municipal and County Government)  
7, K 232
- HB 1220**, establishing a New Hampshire conflict of interest law. (Marple, Merr 11: Executive Departments and Administration)  
7, K 468
- HB 1221**, directing the fire standards and training commission to establish a formal means of inquiry for purposes of quality assurance in fire standards and training. (Welch, Rock 18; et al: Criminal Justice and Public Safety)  
7, K 189

- HB 1222**, relative to outdoor advertising in an unzoned commercial or industrial area. (Scanlan, Graf 11: Public Works and Highways)  
7, K 233
- HB 1223**, changing the name, amending the duties, and extending the reporting date of the committee to study the unclassified salary structure for state officers. (Dyer, Hills 8; et al: Executive Departments and Administration)  
7, psd 149, 169, S conc 371, enr 374, appointments 1102 (Chapter 26)
- HB 1224**, relative to the process for nonrenewal of teacher contracts. (Henderson, Rock 20; et al: Education)  
7, am & psd (RC) 522-525, 566, S nonconc 879
- HB 1225**, relative to the name of the department of fish and game. (Chandler, Carr 1; et al: Wildlife and Marine Resources)  
7, psd 154, 169, S conc 443, enr 517 (Chapter 42)
- HB 1226**, relative to vacancies in the office of United States senator. (Wendelboe, Belk 2: Election Law)  
7, rem 321, K 365
- HB 1227**, relative to universal waste. (J. Phinizy, Sull 7; et al: Environment and Agriculture)  
7, study 294
- HB 1228**, relative to offers of credit received through the mail. (Sapareto, Rock 13: Commerce)  
8, K 186
- HB 1229**, requiring the completion of a rate proceeding prior to legislative approval of a settlement agreement with PSNH. (Rose, Ches 13; et al: Science, Technology and Energy)  
8, LT 513-514, Clerk's note 1099
- HB 1230**, abolishing the requirement that purchasers of new motor vehicles must surrender the certificate of origin to the department of motor vehicles. (Marple, Merr 11; et al: Transportation)  
8, rem 223, K 262-263
- HB 1231**, requiring proposed legislation to be reviewed by a house or senate special committee to determine constitutionality prior to its introduction. (Marple, Merr 11; et al: Legislative Administration)  
8, rem 445, K 515
- HB 1232**, relative to the investment options for county funds. (Weyler, Rock 18; et al: Municipal and County Government)  
8, K 399
- HB 1233**, relative to interest on judgments. (Soltani, Merr 10: Judiciary)  
8, am 151, psd 169, nonconc S am 738
- HB 1234**, relative to a special commission allowing non-ordained ministers residing out of state to perform marriages in New Hampshire. (Burling, Sull 1: Children and Family Law)  
**new title:** relative to special commissions to perform marriages in New Hampshire.  
8, rem 269, SO 314, am 362, psd 370, S conc 568, enr 614 (Chapter 75)
- HB 1235**, relative to fill and dredge in wetlands. (Kibbey, Sull 4: Resources, Recreation and Development)  
**new title:** relative to defining surface waters.  
8, am 287-288, psd 318, S conc 568, enr 614 (Chapter 76)
- HB 1236**, granting a defendant the right to inform the jury of its right to find the defendant not guilty under certain circumstances when the state or a political subdivision is the opposing party. (Marple, Merr 11; et al: Judiciary)  
**new title:** relative to an informed jury.  
8, am & psd (RC) 509-512, 517, S nonconc 733

- HB 1237**, relative to crediting time in counseling sessions toward a waiver from attendance at the child custody and support impact seminar. (Harmon, Graf 8: Children and Family Law)  
8, K 270
- HB 1238**, relative to the collection and disbursement of support orders by the department of health and human services. (Bickford, Straf 1: Children and Family Law)  
8, study 378
- HB 1239**, relative to durable powers of attorney. (Dokmo, Hills 14: Judiciary)  
8, am 331-333, psd 369, S study 889
- HB 1240**, establishing a prompt payment law for managed care organizations. (Crosby, Merr 20: Commerce)  
**new title:** requiring insurers to make prompt payments.  
**2<sup>nd</sup> new title:** requiring the department of health and human services and insurers to make prompt payments.  
8, am 379-382, psd 440, conc S am 875, enr am 936, enr 937 (Chapter 274)
- HB 1241**, relative to third person liability under the workers' compensation law. (Clegg, Hills 23; et al: Labor, Industrial and Rehabilitative Services)  
8, am (RC) 428-431, psd 441, S nonconc 882
- HB 1242**, relative to the standard for modification of a child custody order. (Soltani, Merr 10: Children and Family Law)  
8, am 322, psd 369, conc S am 694, enr 891 (Chapter 145)
- HB 1243**, relative to permitting the practice of tip pooling by an employer. (Emerton, Hills 7: Labor, Industrial and Rehabilitative Services)  
8, K 393
- HB 1244**, establishing a committee to study requiring health care workers to use retractable needles. (Emerton, Hills 7; et al: Health, Human Services & Elderly Affairs)  
**new title:** relative to the use of certain needle technology.  
8, am 417-420, psd 441, S conc 690, enr am 732-733, enr 879 (Chapter 183)
- HB 1245**, relative to notice of railroad construction projects. (Kenney, Carr 6: Public Works and Highways)  
8, K 152
- HB 1246**, relative to sign permits for non-tourist-related local businesses. (Kenney, Carr 6: Public Works and Highways)  
8, K 214-215
- HB 1247-FN-L**, increasing the tax rate assessed on excavated earth. (Burnham, Ches 8: Finance)  
8, com change rej (RC) 140-143, K 327-328
- HB 1248**, relative to the out-of-state travel budget for house members. (Vaillancourt, Hills 44: Legislative Administration)  
8, K 475-476
- HB 1249**, providing that critical incident reviews conducted by the department of corrections are privileged and protected from discovery in any proceeding. (Knowles, Straf 11: Criminal Justice and Public Safety)  
8, K 274
- HB 1250**, allowing a psychiatric/mental health advanced registered nurse practitioner to declare a personal safety emergency, to transfer an inmate for a psychiatric inpatient emergency, and to authorize an involuntary emergency hospitalization. (Knowles, Straf 11: Criminal Justice and Public Safety)

**new title:** allowing an advanced registered nurse practitioner to declare a personal safety emergency and to transfer an inmate for a psychiatric inpatient emergency.  
8, am 385-386, psd 440, S conc 880, enr 891 (Chapter 225)

- HB 1251**, relative to driver education training reimbursement. (LaPorte, Hills 39; et al: Transportation)  
8, am & Finance 236-237, psd 390, 441, conc S am 875, enr 891, veto sustained (RC) 963-965
- HB 1252**, establishing a beneficial use policy for wastewater sludge and providing technical and education assistance to municipalities and their residents concerning the beneficial use of sludge. (Patten, Carr 9: Environment and Agriculture)  
8, K (RC) 527-529
- HB 1253**, establishing a 4-year term for the commissioner of the department of corrections. (Lozeau, Hills 30; et al: Executive Departments and Administration)  
9, psd 388, 440, S nonconc 690
- HB 1254**, establishing a committee to study the need to review and assess state-owned land managed by the fish and game department. (Wendelboe, Belk 2: Public Works and Highways)  
9, K 286
- HB 1255**, establishing a government competition competitive neutrality study committee. (MacGillivray, Hills 21: Commerce)  
9, K 382
- HB 1256**, clarifying certain health care laws. (Pilliod, Belk 3: Health, Human Services & Elderly Affairs)  
9, psd 149, 169, S conc 568, enr 614 (Chapter 77)
- HB 1257-FN**, prohibiting the sale of urine for drug testing purposes. (L'Heureux, Hills 18; et al: Criminal Justice and Public Safety)  
9, K 225-226
- HB 1258-FN**, relative to invasive plant, insect, and fungal species. (L. Pratt, Coos 4; et al: Environment and Agriculture)  
9, am 277, psd 318, S conc 568, enr am 614, enr 652 (Chapter 88)
- HB 1259-FN**, establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth. (Melcher, Hills 11; et al: Municipal and County Government)  
**new title:** establishing a coordinated and comprehensive effort by state agencies for economic growth, resource protection, and planning policy to encourage smart growth, and relative to a certain project in Seabrook, New Hampshire.  
9, am 477-479, psd 516, nonconc S am, conf 813, 887, rep adop 925, enr am 939, enr 942 (Chapter 292)
- HB 1260-FN**, relative to the cost of prescription medication. (Andrews, Hills 34; et al: Commerce)  
9, rem 377, study (RC) 436-439
- HB 1261-FN-A-L**, replacing the excavation tax and excavation activity tax with an excavation yield tax. (Boyce, Belk 5: Finance)  
9, com change rej (RC) 140-143, K 328
- HB 1262**, establishing a fly-fishing stamp for persons possessing a fishing license who wish to fly-fish in waters designated fly-fishing only. (Mirski, Graf 12: Wildlife and Marine Resources)  
9, K 154
- HB 1263-FN**, establishing the crime of misrepresentation of law or facts of a case by a state judicial, executive, or legislative official. (Marple, Merr 11; et al: Judiciary)  
9, rem 147, SO 168, K 176



- HB 1264-FN**, relative to the unlawful use of theft detection shielding devices. (P. Katsakiores, Rock 13; et al: Criminal Justice and Public Safety)  
9, rem 186, am 216-217, psd 218, conc S am 571, enr 652 (Chapter 89)
- HB 1265-FN**, exempting snowmobiles used by OHRV clubs for trail grooming and other public services from the payment of OHRV registration fees. (Kennedy, Merr 7: Transportation)  
**new title:** relative to registration of certain antique OHRVs.  
9, am & Finance 237-238, psd 390, 441, S conc 689, enr 692 (Chapter 108)
- HB 1266-FN**, relative to classification of and standards for custom vehicles manufactured during or after 1949, and establishing special plates for such vehicles. (F. Davis, Merr 12; et al: Transportation)  
9, rem 223, K 263
- HB 1267-FN**, requiring courts to use the English language on all forms and in all correspondence. (Weber, Graf 11: Judiciary)  
9, K 230
- HB 1268-FN**, relative to certain vehicle registrations. (Packard, Rock 29; et al: Transportation)  
9, am 238, psd 266, S conc 615, enr 652 (Chapter 90)
- HB 1269-FN**, relative to the creation of a university system of New Hampshire license plate. (Rodrigue, Coos 7: Transportation)  
9, K 238
- HB 1270-FN-L**, relative to charter schools and open enrollment districts. (O'Hearn, Hills 26; Hunt, Ches 10: Education)  
9, am 500-501, psd 517, S study 889
- HB 1271**, relative to participation by minors in certain athletic activities. (Pilliod, Belk 3; et al: Children and Family Law)  
9, SO 337, K (RC) 405-408
- HB 1272**, allowing school nurses to possess and administer epinephrine for certain emergency treatment. (Pilliod, Belk 3: Health, Human Services and Elderly Affairs)  
9, psd 150, 169, S conc 615, enr 652 (Chapter 91)
- HB 1273**, relative to restricting usage of cellular phones while driving. (Milligan, Hills 18; et al: Transportation)  
9, am & study 361-362
- HB 1274**, limiting the services that a cable television operator may require a consumer to purchase as a condition of access to other video programming. (Larrabee, Merr 9: Science, Technology and Energy)  
9, K 486
- HB 1275**, requiring school bus drivers to use all safety equipment on the bus or risk revocation of certificate. (Larrabee, Merr 9: Transportation)  
9, K 181
- HB 1276**, establishing a committee to study the adoption of a regulated health professions act to promote consistency and efficiency in health occupation regulation. (V. Clark, Rock 17: Executive Departments and Administration)  
9, K 468
- HB 1277-L**, relative to payment by an applicant of outstanding costs on a withdrawn proposal submitted to a planning board. (V. Clark, Rock 17: Municipal and County Government)  
10, K 232
- HB 1278**, establishing a committee to investigate bank foreclosures on homeowners' properties and bank overdraft fees. (Marple, Merr 11: Commerce)  
10, K 382

- HB 1279**, relative to the applicability of school bus safety laws. (Daniels, Hills 13: Transportation)  
10, study 336
- HB 1280**, relative to medical emergencies under managed care organizations. (DiFruscia, Rock 27;  
et al: Commerce)  
10, K 382
- HB 1281**, relative to disqualification of public utility commissioners. (Gilmore, Straf 11: Science,  
Technology and Energy)  
10, am 514-515, psd 517, S nonconc 733
- HB 1282**, establishing a committee to study the possibility of self-insuring state employees.  
(Peterson, Hills 8; et al: Finance)  
10, com change rej (RC) 140-143, psd 328, 369, S conc 568, enr am 569, enr 652, appoint-  
ments 1102 (Chapter 92)
- HB 1283**, establishing a commission on the education of the deaf in New Hampshire. (O'Hearn,  
Hills 26: Education)  
**new title:** establishing a commission on the education of the deaf and hard of hearing in New  
Hampshire.  
10, am 226-227, psd 266, S conc 442, enr 517, appointments 1102 (Chapter 43)
- HB 1284-FN**, prohibiting the courts from charging fees. (Marple, Merr 11: Finance)  
10, com change rej (RC) 140-143, study 472
- HB 1285**, establishing a committee to study the feasibility of assessing taxes for special education  
at the county level. (Mirski, Graf 12: Education)  
10, K 388
- HB 1286**, relative to relicensure by the pharmacy board of a certain pharmacist. (Mirski, Graf 12:  
Executive Departments and Administration)  
10, K 506-507
- HB 1287**, relative to the membership of the water council. (Kibbey, Sull 4: Resources, Recreation  
and Development)  
10, psd 152, 169, conc S am 377, enr 517 (Chapter 44)
- HB 1288**, relative to the rulemaking hearing process for state agencies. (Kibbey, Sull 4: Executive  
Departments and Administration)  
10, K 468-469
- HB 1289**, relative to defining surface waters, relative to septage and sludge spreading, and relative  
to rulemaking by the commissioner of the department of environmental services. (Kibbey, Sull  
4: Resources, Recreation and Development)  
10, K 288
- HB 1290**, relative to liability for motor vehicle state inspection, registration, and equipment viola-  
tions. (Vaillancourt, Hills 44: Transportation)  
10, rem 147, SO 168, K 176
- HB 1291**, relative to the names of candidates on ballots. (Flanagan, Rock 14: Election Law)  
10, K 326
- HB 1292**, making it a crime to cause the death of an unborn child as a result of committing a violent  
act against a pregnant woman. (Torressen, Carr 10; et al: Criminal Justice and Public Safety)  
10, rem 321, K (RC) 363-365
- HB 1293**, relative to same-sex marriages contracted outside of the state of New Hampshire.  
(Torressen, Carr 10; et al: Children and Family Law)  
10, K (RC) 493-496

- HB 1294-L**, relative to regional planning commissions. (Hamel, Rock 10; et al: Municipal and County Government)  
10, am 479-481, psd 516, S conc 733, enr am 735, enr 890 (Chapter 200)
- HB 1295**, relative to prescription drug cards. (Taylor, Straf 11; et al: Commerce)  
10, study 382
- HB 1296**, establishing a committee to study the education and training curriculum developed by the police standards and training council. (Keans, Straf 16; et al: Criminal Justice and Public Safety)  
10, K 274
- HB 1297**, establishing a commission on fairness in sentencing. (Keans, Straf 16; et al: Criminal Justice and Public Safety)  
10, K 324
- HB 1298**, requiring advertisements and postings of meals and rooms prices to include the amount of meals and rooms tax in each price displayed. (Bickford, Straf 1: Commerce)  
10, K 177
- HB 1299-L**, prohibiting elected or appointed public servants from leasing or renting space to private contractors. (Marple, Merr 11: Public Works and Highways)  
10, K 179
- HB 1300**, not introduced
- HB 1301**, relative to regional appointments to the state committee on aging. (Potter, Merr 24: Health, Human Services and Elderly Affairs)  
10, am 150, psd 169, conc S am 571, enr 652, committee amended 1100 (Chapter 93)
- HB 1302**, establishing a committee to study issues of senior outreach programs. (D. White, Hills 25: Health, Human Services and Elderly Affairs)  
10, K 229-230
- HB 1303**, establishing the freedom of education act. (D. Hall, Graf 13: Education)  
10, K 277
- HB 1304**, establishing a statutory committee to review and approve any motor vehicle license plate design. (Leber, Merr 1: Transportation)  
10, K 239
- HB 1305-L**, exempting water withdrawals for normal agricultural operations from certain restrictions on water withdrawals. (K. Marshall, Merr 4; et al: Resources, Recreation and Development)  
10, K 432
- HB 1306**, relative to boating on Sandogardy Pond in the town of Northfield. (St. Cyr, Merr 8; et al: Resources, Recreation and Development)  
11, K 152
- HB 1307**, relative to certification of food protection managers. (Stickney, Rock 26; et al: Executive Departments and Administration)  
11, study 302
- HB 1308**, relative to nomination paper requirements. (Brewster, Merr 1: Election Law)  
**new title:** relative to the manner in which candidates are listed on election ballots.  
11, am 502-503, psd 517, conc S am 876, enr 891 (Chapter 226)
- HB 1309**, relative to wood-to-energy rate order buydowns. (Bradley, Carr 8; et al: Science, Technology and Energy)  
11, am 557-558, psd 566, conc S am 842, enr 891 (Chapter 227)

- HB 1310**, relative to the universal service fund. (Thomas, Belk 3; et al: Science, Technology and Energy)  
11, study 197
- HB 1311**, relative to payment of employer contributions for unemployment compensation. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)  
11, am 283-284, psd 318, S conc 568, enr 614 (Chapter 78)
- HB 1312**, establishing a committee to study federal regulation of minority ownership of television, radio, and cable outlets. (Weatherspoon, Rock 20; et al: State-Federal Relations and Veterans Affairs)  
11, K 288
- HB 1313-L**, relative to amending official ballot warrant articles. (Daniels, Hills 13; et al: Municipal and County Government)  
11, K 431-432
- HB 1314**, relative to propane sales. (Lessard, Hills 23; et al: Commerce)  
11, K 382
- HB 1315**, relative to payout ratios of qualified charitable gift annuities. (T. Reardon, Merr 23: Commerce)  
11, study 382
- HB 1316-L**, prohibits school districts from using disbursements from the education trust fund as unanticipated revenue. (Patten, Carr 9: Finance)  
**new title:** prohibiting school districts from using disbursements from the education trust fund as unanticipated revenue.  
11, com change rej (RC) 140-143, rem 377, psd 439, 441, S conc 733, enr am 735, enr 890 (Chapter 201)
- HB 1317**, relative to rights of rental applicants. (Salatiello, Belk 2: Commerce)  
11, K 520
- HB 1318**, requiring a waiting period before the retail price of home heating or motor vehicle fuel is increased in certain circumstances. (G. Brown, Straf 17; et al: Commerce)  
**new title:** establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.  
11, am 224, psd 266, S conc 567, enr 569, appointments 1102 (Chapter 58)
- HB 1319**, extending the reporting date of the committee studying negotiated risk agreements and requiring the department of health and human services to conduct a study. (Dalrymple, Rock 26; et al: Health, Human Services and Elderly Affairs)  
11, psd 331, 369, S conc 881, enr 891, report date extended 1100 (Chapter 228)
- HB 1320**, establishing a committee to study the rights and duties of parents to educate their children. (D. Hall, Graf 13: Education)  
11, K 293
- HB 1321**, relative to certain funds collected by order of the public utilities commission. (Bradley, Carr 8: Finance)  
11, com change rej (RC) 140-143, am 328, psd 369, S conc 568, enr am 598-599, enr 652 (Chapter 94)
- HB 1322**, relative to the regulation of certain outdoor advertising devices. (N. Johnson, Straf 5; et al: Public Works and Highways)  
11, am 233-234, psd 266, S conc 689, enr 692 (Chapter 109)
- HB 1323**, relative to local public assistance to nonresidents. (Kenney, Carr 6: Health, Human Services and Elderly Affairs)  
11, K 191



- HB 1324**, establishing a committee to study the junk yard licensing process. (Kenney, Carr 6: Transportation)  
11, K 181
- HB 1325**, establishing a study committee to address smoking in motor vehicles. (Griffin, Rock 27; et al: Health, Human Services and Elderly Affairs)  
11, K 150
- HB 1326**, relative to managed care programs under workers' compensation. (M. Fuller Clark, Rock 36; et al: Labor, Industrial and Rehabilitative Services)  
11, psd 333, 369, S conc 568, enr 614 (Chapter 79)
- HB 1327**, relative to residency of prisoners for purposes of voter registration. (Clegg, Hills 23: Election Law)  
11, psd 353, 370, S nonconc 689
- HB 1328**, requiring that the rules of evidence shall apply in divorce proceedings. (Gilmore, Straf 11: Judiciary)  
11, K 333
- HB 1329**, limiting the system benefits charge. (MacGillivray, Hills 21: Science, Technology and Energy)  
**new title:** relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, and the establishment of a gas utility restructuring oversight committee.  
**2<sup>nd</sup> new title:** relative to the termination of residential electric or gas utility service, the public utility commission's rulemaking authority, energy performance contract requirements, and the establishment of a gas utility restructuring oversight committee.  
11, am 558-560, psd 566, nonconc S am, conf 880, 887, rep adop 924, enr am 939, enr 942, appointments 1108 (Chapter 276)
- HB 1330**, relative to telephone special contracts. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
11, K 306
- HB 1331**, relative to campaign contributions by corporations. (Buckley, Hills 44: Election Law)  
11, am 353, psd 370, nonconc S am 876
- HB 1332**, relative to review of plats or applications submitted to local planning boards. (V. Clark, Rock 17: Municipal and County Government)  
11, K 179
- HB 1333-L**, relative to the establishment of parenting plans. (Bickford, Straf 1: Children and Family Law)  
12, study 378
- HB 1334-L**, relative to posting municipal roads. (Tholl, Coos 5: Public Works and Highways)  
12, am 179-180, psd 183, S conc 615, enr am 616, enr 692 (Chapter 110)
- HB 1335**, requiring hospitals to disclose certain information to the attorney general. (K. Herman, Hills 13; et al: Commerce)  
12, am 520, psd 566, S conc 733, enr 879 (Chapter 184)
- HB 1336-L**, relative to posting of roads in municipalities. (Lyman, Carr 5: Public Works and Highways)  
12, K 180
- HB 1337**, repealing the New Hampshire foundation for mental health. (Manning, Ches 9; et al: Health, Human Services and Elderly Affairs)  
12, psd 150, 169, S conc 568, enr 614, committee repealed 1100 (Chapter 80)

- HB 1338**, increasing the membership of the American and Canadian French cultural exchange commission. (Hamel, Rock 10: Executive Departments and Administration)  
12, psd 469, 516, S conc 733, enr 879 (Chapter 185)
- HB 1339-FN-L**, relative to the local option to exempt taxation of certain excavation activity. (Scanlan, Graf 11; et al: Finance)  
12, com change rej (RC) 140-143, rem 321, K 365
- HB 1340-FN-L**, relative to dam construction permits. (Boyce, Belk 5; et al: Resources, Recreation and Development)  
12, K 234
- HB 1341-FN**, relative to direct access for certain types of development along highways. (Mirski, Graf 12: Public Works and Highways)  
12, study 234
- HB 1342-FN**, relative to measurements of heavy metals and other compounds in sludge. (Owen, Merr 6: Environment and Agriculture)  
**new title:** directing the department of environmental services to adopt concentration limits for certain compounds in land applied sludge.  
12, am 529-530, psd 566, S nonconc 882
- HB 1343-FN-A**, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. (Robb-Theroux, Sull 9; et al: Environment and Agriculture)  
12, Finance 294, rem 377, am 439-440, psd 441, S conc 879, enr 890, veto overridden (RC) 966-968, S override veto 1095 (Chapter 327)
- HB 1344-FN**, expanding the used oil program. (Musler, Straf 6: Environment and Agriculture)  
12, Finance 277, am 390-391, psd 441, S conc 690, enr 736 (Chapter 146)
- HB 1345-FN**, relative to the salary of licensed practical nurses employed by the state. (Asplund, Merr 13; et al: Executive Departments and Administration)  
12, K 303
- HB 1346-FN**, relative to certain acts of felonious sexual assault. (Christie, Rock 22; et al: Criminal Justice and Public Safety)  
12, study 386
- HB 1347-FN**, relative to review of administrative rules by the legislature prior to adoption. (K. Herman, Hills 13: Executive Departments and Administration)  
12, K 469
- HB 1348-FN-L**, exempting the town of Sunapee from the payment for water rights for the hydro-electric plant of the Sugar River in the town of Sunapee. (Leone, Sull 2; et al: Resources, Recreation and Development)  
12, K 196-197
- HB 1349-L**, authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different polluters. (MacGillivray, Hills 21; et al: Science, Technology and Energy)  
**new title:** authorizing the department of environmental services to collect the costs of administering air pollution control from polluters at different rates for different pollutants, and relative to the mercury emissions reduction program and ash landfill study.  
12, am & Finance 306-308, psd 391, 441, nonconc S am, conf 881, 887, (no report filed), Clerk's note 1099
- HB 1350**, relative to interbasin and interstate transfers of water. (Royce, Ches 9: Resources, Recreation and Development)  
12, rem 270, K 317

- HB 1351-L**, relative to possession of firearms while intoxicated. (Robertson, Ches 18: Criminal Justice and Public Safety)  
12, K 177
- HB 1352**, requiring that state funding for public television be used exclusively for the production of original programming. (Vaillancourt, Hills 44: Finance)  
12, com change rej (RC) 140-143, K 328
- HB 1353**, raising driver testing standards. (LaPorte, Hills 39: Transportation)  
12, K 153
- HB 1354-FN**, indexing the rate of the motor fuel tax to changes in the value of the dollar. (MacGillivray, Hills 21: Public Works and Highways)  
12, K 195-196
- HB 1355-FN-A**, authorizing funding for a hydrodynamic study of the Hampton/Seabrook harbor and estuarine system. (Leber, Merr 1; et al: Public Works and Highways)  
12, rem 270, K 317
- HB 1356-FN**, relative to sales tax exemption certificates for antique dealers. (Rollo, Straf 10; et al: Finance)  
12, com change rej (RC) 140-143, K 328
- HB 1357-FN**, relative to the sale of state-owned property in the towns of Belmont and Laconia. (Bartlett, Belk 6; et al: Public Works and Highways)  
12, am 286, psd 318, S conc 689, enr am 691, enr 733 (Chapter 137)
- HB 1358**, prohibiting smoking in restaurants. (Pantelakos, Rock 30; et al: Commerce)  
12, K (RC) 240-243
- HB 1359**, limiting fees charged for use of electronic customer service terminals. (A. Pelletier, Straf 12; et al: Commerce)  
12, K 224
- HB 1360**, prohibiting full-time judges from earning income from sources other than judicial salaries. (Mirski, Graf 12; et al: Judiciary)  
12, rem 322, K 369
- HB 1361**, relative to ingredients in restaurant-prepared meals. (Lasky, Hills 33; et al: Commerce)  
13, K 520-521
- HB 1362-L**, relative to the reconsideration of cost apportionment within a cooperative school district. (Weare, Rock 21: Education)  
13, am 227-228, psd 266, S conc 567, enr 569 (Chapter 59)
- HB 1363**, relative to grandparents' visitation rights. (McRae, Hills 7; et al: Children and Family Law)  
13, K (RC) 198-200
- HB 1364**, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. (Gile, Merr 16; et al: Commerce)  
13, K 225
- HB 1365**, relative to spending disclosures in political advertising. (Splaine, Rock 34; et al: Election Law)  
13, rem 186, study 217
- HB 1366**, limiting civil liability of firearms manufacturers and dealers. (Kennedy, Merr 7: Judiciary)  
13, K 542

- HB 1367-FN**, establishing a program of acting service awards to state employees who temporarily perform the duties of a higher level agency position. (Copenhaver, Graf 10: Executive Departments and Administration)  
13, K 228-229
- HB 1368-FN**, establishing a Civil War memorials commission for the construction and maintenance of New Hampshire Civil War monuments and memorials. (Letourneau, Rock 13; et al: State-Federal Relations and Veterans Affairs)  
13, psd 181, 183, S conc 615, enr am 689, enr 692, appointments 1107 (Chapter 111)
- HB 1369-FN-L**, clarifying authority to regulate asbestos. (Musler, Straf 6: Environment and Agriculture)  
13, rcmt 294-302, rules suspended 317-318, am & Exec. Depts. 408-416, rules suspended 565, am 753-755, rules suspended & psd 772, S conc 881, enr am 891, enr 937 (Chapter 275)
- HB 1370**, allowing private investigators access to motor vehicle records for the purpose of conducting insurance fraud investigations. (Welch, Rock 18: Transportation)  
13, K 181
- HB 1371**, relative to allocation and distribution of incentive funds for juvenile diversion and abuse and neglect prevention programs. (Lyman, Carr 5: Children and Family Law)  
**new title:** relative to allocation and distribution of funds for community-based prevention and diversion programs for children and juveniles.  
13, am & Exec. Depts. 270-271, psd 469, 516, S K 1098
- HB 1372**, relative to open access over some cable facilities in public rights-of-way if used for 2-way telecommunications and if market share of certain users of those facilities is sufficiently large. (MacGillivray, Hills 21: Science, Technology and Energy)  
13, K 215
- HB 1373**, relative to payments of first and second mortgage home loans. (Francoeur, Rock 22; et al: Commerce)  
13, am 382-383, psd 440, S conc 689, enr 692 (Chapter 112)
- HB 1374**, extending the reporting date for the sex offender issues study committee. (Sargent, Hills 3; et al: Criminal Justice and Public Safety)  
13, am 226, psd 266, conc S am 445, enr am 567, enr 599, appointments 1102 (Chapter 81)
- HB 1375**, establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds. (J. Phinizy, Sull 7; et al: Science, Technology and Energy)  
13, LT 257, Clerk's note 1099
- HB 1376-L**, relative to the procedure for voting on the school administrative unit budget. (Alger, Graf 9; et al: Education)  
13, K 501-502
- HB 1377**, prohibiting managed care organizations from excluding certain physicians as providers and establishing a committee to study contracting methods. (Martel, Hills 45; et al: Commerce)  
**new title:** prohibiting managed care organizations from disqualifying certain physicians as providers and relative to the duties of the joint health council.  
13, am 383, psd 440, conc S am 738, enr am 891, enr 923 (Chapter 248)
- HB 1378**, establishing a task force to conduct an ongoing study of the feasibility of re-establishing passenger rail service on the Eastern Line from Newburyport, Massachusetts to Kittery, Maine. (G. Katsakiores, Rock 13; et al: Transportation)  
13, psd 153, 169, conc S am 377, enr 517, appointments 1103 (Chapter 45)
- HB 1379**, establishing a long-term care council. (Garrish, Hills 37: Health, Human Services and Elderly Affairs)  
13, K 150



- HB 1380-FN**, relative to compensation for time lost by state law enforcement officers injured in the line of duty. (Dyer, Hills 8; et al: Executive Departments and Administration) 13, study 278
- HB 1381**, relative to the dissolution of the Pawtuckaway cooperative high school district. (Stone, Rock 7; et al: Education) 13, am 177, psd 183, S conc & enr 254 (Chapter 13)
- HB 1382-FN**, making it a felony for inmates to harass corrections personnel and others by propelling bodily fluids. (Knowles, Straf 11: Criminal Justice and Public Safety) 13, am 274-275, psd 318, S conc 689, enr 692 (Chapter 113)
- HB 1383**, relative to child support payments. (Arnold, Hills 20: Children and Family Law) 13, K 288
- HB 1384**, relative to consumer liability for charges made with a stolen credit or debit card. (Sapareto, Rock 13: Commerce) 14, K 225
- HB 1385**, relative to creating a crosswalk on a certain road. (Gilmore, Straf 11; et al: Public Works and Highways) 14, K 180
- HB 1386**, designating segments of the Souhegan River as protected under the rivers management and protection program. (O'Connell, Hills 13; et al: Resources, Recreation and Development) 14, psd 152, 169, S conc 371, enr am 373, enr 374 (Chapter 27)
- HB 1387-L**, relative to pre-existing school districts within a cooperative school district. (Jacobson, Merr 2: Finance) 14, com change rej (RC) 140-143, rem 321, K 366
- HB 1388**, establishing a commission to study the statewide delivery of special education programs and services. (Kennedy, Merr 7: Education) 14, K 388
- HB 1389-L**, relative to the Nute High School and library trustees. (N. Johnson, Straf 6; et al: Municipal and County Government) 14, study 232
- HB 1390**, establishing a committee to study environmental health. (French, Merr 3; et al : Environment and Agriculture)  
**new title:** establishing a commission to study the relationship between public health and the environment.  
14, am 356-357, psd 370, S conc 689, enr 692, appointments 1103 (Chapter 114)
- HB 1391**, relative to personal appearance by law enforcement officers at administrative license suspension hearings. (Harmon, Graf 8: Criminal Justice and Public Safety) 14, rcmt 248, study 446
- HB 1392**, relative to the criminal offense of initiating a vehicular pursuit. (Harmon, Graf 8: Criminal Justice and Public Safety) 14, K 324
- HB 1393-L**, relative to teacher contract renewals and enforcement of teacher contracts. (Leber, Merr 1: Education) 14, K 466
- HB 1394**, requiring physicians to conduct examinations of the entire colon for certain patients. (Fenton, Hills 24: Health, Human Services & Elderly Affairs) 14, K 151

- HB 1395-FN-A-L**, establishing an advance disposal fee and establishing grants to fund municipal waste management programs and activities. (Musler, Straf 6; et al: Environment and Agriculture)  
14, study 302
- HB 1396**, relative to interest rates on credit cards. (Quandt, Rock 20; et al: Commerce)  
14, K 225
- HB 1397**, relative to naming a certain island in Lake Winnepesaukee in the town of Moultonborough. (Torressen, Carr 10; et al: Municipal and County Government)  
14, psd 165, 169, S conc 371, enr 374 (Chapter 28)
- HB 1398**, requiring disclosure of policy limits by insurers. (DiFruscia, Rock 27; et al: Commerce)  
14, study 383-384
- HB 1399-FN**, relative to the amount payable by the retirement system on account of qualified group II retirees of a political subdivision employer. (Dyer, Hills 8; et al: Executive Departments and Administration)  
14, rem 177, rcmt 182, K 189
- HB 1400**, not introduced
- HB 1401**, requiring manufactured housing sellers to provide a breakdown of purchasing costs. (Keans, Straf 16: Commerce)  
14, K 384
- HB 1402-L**, relative to the transfer of excess medical reserve funds to the capital reserve fund. (J. Pratt, Ches 2; et al: Municipal and County Government)  
14, K 360
- HB 1403**, relative to ownership of property appraisals. (Clegg, Hills 23: Commerce)  
14, K 521
- HB 1404**, creating a study committee to address mechanisms for the disposal of state records. (Millham, Belk 4; et al: Executive Departments and Administration)  
**new title:** creating a study committee to address mechanisms for the preservation or disposal of state records.  
14, am 327, psd 369, S conc 690, enr 733, appointments 1103 (Chapter 138)
- HB 1405**, exempting 50/50 raffles from the laws regulating games of chance. (Scanlan, Graf 11; et al: Criminal Justice and Public Safety)  
14, psd 324, 369, S conc 615, enr am 616, enr 692 (Chapter 115)
- HB 1406**, relative to transition service. (Bradley, Carr 8; et al: Science, Technology and Energy)  
14, am 432-433, psd 441, S conc 690, enr 736, veto sustained (RC) 954-956
- HB 1407**, establishing a committee to study the development of standards of conduct governing the reporting of cases of domestic violence by individuals in certain occupations and professions. (Gilman, Graf 1: Criminal Justice and Public Safety)  
14, K 226
- HB 1408**, relative to appointment of non-attorneys as judges. (Robertson, Ches 18; et al: Judiciary)  
14, K 305
- HB 1409**, establishing a committee to study the feasibility of reestablishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon Northern passenger rail service line. (G. Katsakiores, Rock 13; et al: Transportation)  
14-15, am 153, psd 169, conc S am 377, enr 517, appointments 1103 (Chapter 46)
- HB 1410**, relative to the joint health council. (Emerton, Hills 7; et al: Health, Human Services and Elderly Affairs)  
15, com changed 25, am 530-531, psd 566, S conc 690, enr 736 (Chapter 147)

- HB 1411**, requiring credit reporting agencies to notify consumers prior to changing certain information in their files. (Bruno, Hills 4: Commerce)  
15, K 384
- HB 1412**, relative to electric customer-generators. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
15, am 486-487, psd 516, S conc 690, enr 736 (Chapter 148)
- HB 1413**, relative to the rights of ownership of cemetery plots or burial spaces. (Patten, Carr 9; et al: Municipal and County Government)  
15, psd 233, 266, conc S am 571, enr 652 (Chapter 95)
- HB 1414**, authorizing the department of environmental services to discuss with other northeastern states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, and extending the reporting date of the committee to study the requirements for usage of MTBE. (Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** authorizing the department of environmental services to discuss with other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, requiring a certification of understanding by certain municipal electric utilities, and relative to ambient groundwater quality standards.  
**2<sup>nd</sup> new title:** authorizing the department of environmental services to discuss with the other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and requiring a certification of understanding by certain municipal electric utilities.  
**3<sup>rd</sup> new title:** authorizing the department of environmental services to discuss with the other states the use of a regional gasoline containing less or no MTBE, promoting the use of less polluting marine engines by the state and others, extending the reporting date of the committee to study the requirements for usage of MTBE, and addressing municipal purchase, construction, or operation of certain fossil fuel facilities.  
15, am 560-561, psd 566, nonconc S am, conf 883, 887, 891, rep adop 925, enr am 939, enr 942, report date extended 1100 (Chapter 293)
- HB 1415-FN**, relative to the classification of certain personnel of the department of corrections. (Dyer, Hills 8: Executive Departments and Administration)  
15, study 469
- HB 1416-FN**, establishing a brownfields cleanup revolving loan fund. (Musler, Straf 6: Environment and Agriculture)  
15, psd 277, 318, S conc 568, enr 614 (Chapter 82)
- HB 1417-FN-A-L**, setting priorities for the disposal of certain components of the solid waste stream. (Musler, Straf 6; et al: Environment and Agriculture)  
15, study 504
- HB 1418-FN-L**, relative to mercury-containing products. (Musler, Straf 6; et al: Environment and Agriculture)  
15, rem 269, rcmt 314, am 504-506, psd 517, nonconc S am, conf 880, 887, rep adop 925, enr 942 (Chapter 278)
- HB 1419-FN**, allowing teachers to purchase credit in the retirement system for certain service in an armed conflict. (Brennan, Straf 16; et al: Executive Departments and Administration)  
15, K 189
- HB 1420-FN-L**, relative to the port in the city of Portsmouth, New Hampshire. (Pantelakos, Rock 30; et al: Public Works and Highways)  
15, study 286

- HB 1421-L**, relative to assessment of the land use change tax. (Gilmore, Straf 11; et al: Municipal and County Government)  
15, K 286
- HB 1422-FN**, relative to the composition of and procedures for the appellate board of the department of employment security. (Daniels, Hills 13: Labor, Industrial and Rehabilitative Services)  
15, am 393-395, psd 441, S conc 689, enr 692 (Chapter 116)
- HB 1423-L**, relative to regulation of junk yards. (Musler, Straf 6: Environment and Agriculture)  
15, study 277
- HB 1424**, relative to reevaluation of a person's competency to stand trial. (Knowles, Straf 11: Criminal Justice and Public Safety)  
15, am 386, psd 440, conc S am 738, enr am 888, enr 891 (Chapter 229)
- HB 1425-L**, relative to driveway permits. (Boyce, Belk 5: Municipal and County Government)  
15, K 151-152
- HB 1426**, establishing an appeals board to review decisions of the health services planning and review board. (Quandt, Rock 20; et al: Health, Human Services & Elderly Affairs)  
15, K 392
- HB 1427**, relative to the calculation of the days of school in the school year. (A. Pelletier, Straf 12; et al: Education)  
15, study 525
- HB 1428**, relative to the insurance consumer's bill of rights. (DiFruscia, Rock 27; et al: Commerce)  
15, K 384
- HB 1429**, relative to requirements for personnel employed in state corrections facilities which are operated by private entities. (Dwyer, Hills 43: Criminal Justice and Public Safety)  
15, K 275
- HB 1430**, establishing a committee to study the circumstances and investigations of the deaths of Janet and Steven Dow. (Wiggins, Sull 4; et al: Criminal Justice and Public Safety)  
15, K (RC) 496-499
- HB 1431**, relative to protective orders in domestic violence cases. (Bickford, Straf 1; et al: Criminal Justice and Public Safety)  
15, am 499-500, psd 517, conc S am 738, enr am 888, enr 891 (Chapter 230)
- HB 1432**, prohibiting active law enforcement personnel from obtaining a license to sell confiscated or seized firearms and ammunition. (Fenton, Hills 24; et al: Criminal Justice and Public Safety)  
15, K 324
- HB 1433**, relative to notice to abutters by the department of transportation of proposed construction projects. (Alger, Graf 9; et al: Public Works and Highways)  
15, rem 223, K 262
- HB 1434**, relative to processing applications under the medicaid waiver. (Copenhaver, Graf 10; et al: Finance)  
16, com change rej (RC) 140-143, K 391
- HB 1435**, establishing a committee to study electronic media and the right-to-know law. (Patten, Carr 9; et al: Judiciary)  
**new title:** establishing a committee to study the immediate and long-term impact of changing methodology of communications and information technology as it applies to the right-to-know law.  
16, am 178, psd 183, conc S am 445, enr 569, appointments 1103 (Chapter 60)
- HB 1436-FN-A**, reducing the temporary rate of the communications services tax. (Young, Sull 6: Finance)  
16, com change rej (RC) 140-143, K 328-329



- HB 1437-FN**, relative to ayurvedic health care practice. (R. Nowe, Rock 3; et al: Executive Departments and Administration)  
16, study 278
- HB 1438-FN**, relative to transportation of children for involuntary emergency admissions. (C. Moore, Merr 19; et al: Judiciary)  
16, am 392-393, psd 441, S conc 881, enr 891 (Chapter 231)
- HB 1439-FN**, relative to operation of a motor vehicle under a learner's permit. (Harmon, Graf 8: Transportation)  
16, K 239
- HB 1440-FN-A**, taxing the cost of advertising under the meals and rooms tax. (Vaillancourt, Hills 44: Finance)  
16, K 329
- HB 1441-FN-A-L**, relative to establishing a pilot welfare-to-work program in rural communities and making an appropriation therefor. (Hansen, Hills 2; et al: Health, Human Services and Elderly Affairs)  
16, K 281
- HB 1442-FN-A**, increasing the exemption to the interest and dividends tax for persons 65 years of age or older. (Young, Sull 6: Finance)  
16, K 329
- HB 1443-FN**, requiring a hearing prior to issuance of statement of findings on the suspension, revocation, or denial of a daycare provider's license. (Patricia Cote, Rock 9; et al: Children and Family Law)  
16, study 378
- HB 1444**, relative to certain municipal ordinances. (A. Pelletier, Straf 12; et al: Municipal and County Government)  
16, K 361
- HB 1445**, establishing a study committee to examine replacement of the current administrative office of the courts with an independent administrative office of the courts. (Mirski, Graf 12; et al: Judiciary)  
16, K 281
- HB 1446-FN**, establishing a citizens' investment trust account. (Marple, Merr 11: Finance)  
16, K 329
- HB 1447**, establishing a legislative oversight committee on judicial conduct. (Mirski, Graf 12; et al: Legislative Administration)  
16, K 476
- HB 1448**, relative to the partition of real property. (Rosen, Belk 7; et al: Judiciary)  
**new title:** relative to the partition of real estate and division of property.  
16, am 164-165, psd 169, conc S am 738, enr 891 (Chapter 232)
- HB 1449**, relative to the cost of any and all tests conducted pursuant to DWI convictions. (Kennedy, Merr 7: Criminal Justice and Public Safety)  
16, K 177
- HB 1450-FN**, relative to the adoption of the fair pay act. (Garrish, Hills 37: Labor, Industrial and Rehabilitative Services)  
**new title:** relative to hearings and appeals of equal pay claims.  
16, am 284-285, psd 318, S conc 689, enr 692 (Chapter 133)
- HB 1451**, establishing a committee to study the concept of a Northeastern regional compact on matters of interstate commerce. (Dickinson, Carr 2; et al: Commerce)  
16, K 521

- HB 1452**, establishing a committee to study the recodification of laws relating to the joint committee on legislative facilities. (Dickinson, Carr 2; et al: Legislative Administration)  
**new title:** codifying the powers and duties of the joint committee on legislative facilities.  
16, rem 446, rcmt 515-516, rules suspended 565, am 667, psd 686, S nonconc 733
- HB 1453**, relative to the grant of power over applications before a planning board. (Mirski, Graf 12: Municipal and County Government)  
16, K 335
- HB 1454**, relative to restrictions of persons possessing any fish and game license. (Mirski, Graf 12: Wildlife and Marine Resources)  
**new title:** relative to deputy conservation officers in the fish and game department.  
16, am 258, psd 266, S conc 690, enr 736 (Chapter 149)
- HB 1455**, relative to residency requirements for persons over 68 possessing a special complimentary license to hunt, fish, or trap. (L'Heureux, Hills 18; et al: Wildlife and Marine Resources)  
**new title:** relative to the authority of the fish and game department for the electronic issuance of licenses, permits, stamps, and tags.  
16, am 154, psd 169, conc S am 377, enr 517 (Chapter 47)
- HB 1456**, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment. (Brothers, Graf 6: Commerce)  
16, rem 223, K (RC) 258-260
- HB 1457**, establishing a committee to study all aspects of the condominium act established under RSA 356-B. (McGough, Hills 18: Commerce)  
16, psd 384, 440, S conc 690, enr am 733, enr 879, appointments 1103 (Chapter 186)
- HB 1458**, relative to the wearing of motorcycle protective headgear. (Copenhaver, Graf 10; et al: Transportation)  
16, K 239
- HB 1459**, requiring the state police to record and update information relative to the charge of non-support. (Welch, Rock 18; et al: Children and Family Law)  
**new title:** requiring the state police to record and update information relative to the charges of criminal and civil non-support.  
17, am & Finance 240, am 472, psd 516, S conc 690, enr 736 (Chapter 150)
- HB 1460**, making the playing of an individual's car stereo in excess of 50 decibels disorderly conduct. (Dalianis, Hills 35: Criminal Justice and Public Safety)  
17, K 386
- HB 1461-FN-A-L**, relative to an education property tax exemption and school choice. (Torresen, Carr 10; et al: Finance)  
17, com change rej (RC) 140-143, rem 321, K (RC) 366-368
- HB 1462**, extending the report date of the committee to study methods to promote the use of renewable energy sources. (Guay, Coos 6; et al: Science, Technology and Energy)  
**new title:** extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources.  
17, am 235, psd 266, S conc 567, enr 569, appointments 1104 (Chapter 61)
- HB 1463**, making technical corrections related to the mental health system and guardianship hearings. (Case, Rock 2; et al: Children and Family Law)  
**new title:** making technical corrections related to the mental health system and guardianship hearings and establishing a department of youth development services advisory board, and relative to changing the name of juvenile services officers.  
17, am & Finance 271-272, psd 391, 441, nonconc S am, conf 882, 887, rep adop 924, enr am 939, enr 942, appointments 1108 (Chapter 294)

- HB 1464**, relative to the licensing process for new health care facility construction. (Batula, Hills 18; et al: Health, Human Services and Elderly Affairs)  
17, psd (RC) 251-253, 266, nonconc S am, conf 883, 887, rep adop 924 (unable to agree)
- HB 1465**, extending the reporting date of the committee to study the non-group health insurance market. (Francoeur, Rock 22; et al: Commerce)  
17, psd 384, 440, S conc 689, enr 692, report date extended 1100 (Chapter 117)
- HB 1466**, relative to disclosure by banks, trust companies, guaranty savings banks, mutual savings banks, savings and loan associations, building and loan associations, and cooperative banks under the supervision of the bank commissioner, of consumer rights and remedies. (DiFruscia, Rock 27; et al: Commerce)  
17, K 225
- HB 1467-FN**, relative to the licensing of mail-order pharmacies. (Copenhaver, Graf 10: Executive Departments and Administration)  
**new title:** relative to the registration of mail-order pharmacies.  
17, am 469-471, psd 516, S conc 733, enr 879 (Chapter 187)
- HB 1468-FN**, relative to the registration of pharmacy technicians. (Copenhaver, Graf 10; et al: Executive Departments and Administration)  
17, Finance 303, psd 508, 517, S conc 733, enr 879 (Chapter 188)
- HB 1469**, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency. (Gilman, Graf 1; et al: Children and Family Law)  
**new title:** relative to the organization of the juvenile justice system in New Hampshire and making an appropriation therefor.  
**2<sup>nd</sup> new title:** establishing a department of youth development services, advisory board, and relative to changing the name of juvenile services officers.  
17, rules suspended 565, 628, am & Finance (2 RC)s 629-636, am 757-759, rules suspended & psd 772, S Com rej consideration 1098
- HB 1470**, relative to divestiture of electric utility assets. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
17, am 309-310, psd 318, S nonconc 879
- HB 1471**, repealing the department of employment security's power to approve building projects without legislative oversight. (Cloutier, Sull 8; et al: Public Works and Highways)  
**new title:** relative to the department of employment security's power to approve building projects.  
17, am 180, psd 183, nonconc S am, conf 880, 887, 891, rep adop 925, enr 942 (Chapter 295)
- HB 1472-FN-A**, allowing the deduction of trust expenses from trust income taxable under the interest and dividends tax. (Weyler, Rock 18: Finance)  
17, study 329
- HB 1473-FN**, relative to the payment of certain costs to contract service providers or vendors for pending claims by the department of health and human services. (Dickinson, Carr 2; et al: Finance)  
17, com change rej (RC) 140-143, K 329
- HB 1474-FN**, establishing a "no sales solicitation calls" list. (Lockwood, Merr 9; et al: Commerce)  
17, K 225
- HB 1475-FN**, relative to the applicable minimum wage for hourly employees. (Keans, Straf 16; et al: Labor, Industrial and Rehabilitative Services)  
17, am, K & recon rej (4 RCs) 542-553
- HB 1476**, expanding the notification process for victims of crime. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
17, K 189

- HB 1477-FN-L**, relative to notification of public proceedings. (Owen, Merr 6: Judiciary)  
17, K 151
- HB 1478-FN-A**, establishing matching funds for certain candidates. (Hinman, Graf 7; et al: Election Law)  
17, study 189
- HB 1479-FN-L**, relative to boat fees. (MacGillivray, Hills 21: Resources, Recreation and Development)  
17, K 234
- HB 1480**, making consent a defense under the sexual assault laws. (Soltani, Merr 10: Criminal Justice and Public Safety)  
17, K 275
- HB 1481**, requiring managed care organizations to offer prescription drug plans. (Lynott, Ches 11: Commerce)  
17, K 324
- HB 1482**, relative to funding of municipal projects. (Soltani, Merr 10: Municipal and County Government)  
17, K 399
- HB 1483**, permitting owners to choose certain health care providers for their animals. (Weatherspoon, Rock 20; et al: Environment and Agriculture)  
**new title:** establishing a committee to study the application of non-conventional veterinary procedures for domestic animals.  
18, rcmt 302, am 416-417, psd 441, S conc 690, enr 733, appointments 1104 (Chapter 139)
- HB 1484-FN-A-L**, establishing a 5 percent tax on gambling winnings as a source of funding public education. (Clemons, Hills 31; et al: Finance)  
18, K 357
- HB 1485-FN**, relative to a certain toll booth and establishing a committee to study road tolls along the state's highways. (Lozeau, Hills 30; et al: Public Works and Highways)  
**new title:** relative to a certain proposed toll booth.  
18, am & Finance 305, study 532
- HB 1486-FN**, making the penalty for the offense of official oppression a felony and creating a civil cause of action against public officials for abuse of office or improper influence. (Marple, Merr 11; et al: Judiciary)  
18, rem 147, SO 168, K 176
- HB 1487-FN-L**, reducing the interest rate on delinquent property tax payments and subsequent tax payments. (Marple, Merr 11; et al: Municipal and County Government)  
18, rem 223, K 262
- HB 1488-FN**, relative to witness fees for court attendance in criminal cases. (Cloutier, Sull 8; et al: Judiciary)  
18, K 178
- HB 1489-A**, making a capital appropriation for the reconstruction and repair of the Monadnock Mill State Office Building in Claremont. (Cloutier, Sull 8; et al: Public Works and Highways)  
18, K 196
- HB 1490-L**, relative to enabling municipalities to enact a sales tax. (Sullivan, Carr 2: Finance)  
18, com change rej (RC) 140-143, K 330
- HB 1491-FN**, granting an adjustment to the business enterprise tax paid by transportation companies that contract for the transportation of public school pupils. (Weyler, Rock 18; et al: Finance)  
18, com change rej (RC) 140-143, K 330



- HB 1492-FN**, relative to clarifying the state's stalking statute. (Knowles, Straf 11; et al: Criminal Justice and Public Safety)  
18, am 386-387, psd 440, S conc 690, enr 736 (Chapter 151)
- HB 1493-FN**, increasing minimum prison terms for felons. (Pepino, Hills 40: Criminal Justice and Public Safety)  
18, K 275
- HB 1494-FN**, establishing a penalty for attempt to purchase a firearm illegally. (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
**new title:** establishing penalties for attempts to purchase firearms illegally.  
18, am 275, psd 318, S conc 690, enr 736 (Chapter 152)
- HB 1495-FN-L**, requiring local political subdivisions to submit to annual audits by independent certified public accountants. (Packard, Rock 29: Municipal and County Government)  
18, K 233
- HB 1496-FN**, relative to joint negotiations by physicians with health benefit plans. (Asplund, Merr 13; et al: Commerce)  
18, study 384
- HB 1497-FN-L**, granting female prisoners in-state access to the same type of rehabilitation programs available to male prisoners. (Asplund, Merr 13; et al: Criminal Justice and Public Safety)  
18, K 226
- HB 1498**, establishing a committee to study child support and parental involvement issues. (Bickford, Straf 1; et al: Children and Family Law)  
18, K 378
- HB 1499**, relative to credit for American sign language and transliteration as a foreign language. (Gilman, Graf 1; et al: Education)  
18, rem 186, SO 217, K (RC) 248-251
- HB 1500-FN**, relative to judicial retirement compensation and benefits for supreme court chief justice Brock.  
991, K (3 RCs) and debate printed 1052-1070
- HB 1501**, relative to public notice of all administrative rulemaking meetings. (Lyman, Carr 5; et al: Executive Departments and Administration)  
18, K 278
- HB 1502**, establishing a committee to study procedures following lead paint abatement. (D. Hall, Graf 13: Health, Human Services and Elderly Affairs)  
**new title:** relative to lead paint abatement.  
18, am 191-194, psd 218, S conc 568, enr am 614, enr 652 (Chapter 96)
- HB 1503**, establishing a study committee to review the state's current parole and probation procedures. (Burnham, Ches 8; et al: Criminal Justice and Public Safety)  
18, study 275-276
- HB 1504**, relative to submission of biennial budget estimates by agencies. (Kurk, Hills 5: Finance)  
**new title:** making certain budgetary revisions and technical corrections, increasing certain appropriations to the legislative branch for consultants, relative to establishing the fire standards and training firefighter and emergency medical services training fund to be funded by an increase in penalty assessments by courts on certain fines, relative to disclosure of information for purposes of the tax policy modeling system, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

**2<sup>nd</sup> new title:** making certain budgetary revisions and technical corrections, changing the definition of maintenance expenditure relating to the submission of budget estimates by agencies, establishing a committee to study funding for division of fire standards and training firefighter and emergency medical services training, relative to the authority of the commissioner of the department of revenue administration to use certain appropriations to establish positions for the administration of the education property tax hardship relief program and clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises.

18, psd 280, 318, nonconc S am, conf 885, 887, rep adop 925, enr am 939-940, enr 942, appointments 1104 (Chapter 296)

**HB 1505-FN-L**, relative to the formula for distributing school building aid. (McKinley, Straf 2; et al: Education)  
18, study 200

**HB 1506**, extending the reporting date of the committee studying ambulatory surgical facilities and relative to the threshold limit for certain new health facilities under RSA 151-C. (Wendelboe, Belk 2: Health, Human Services and Elderly Affairs)  
18, am 474, psd 516, S nonconc 881

**HB 1507**, establishing a committee to investigate allegations against supreme court justice Thayer regarding unreported and underreported income. (Mirski, Graf 12; et al: Judiciary)  
19, study 254

**HB 1508-FN**, directing the attorney general to apply to the supreme court to convene a grand jury to investigate health care and insurance issues and practices. (Quandt, Rock 20; et al: Judiciary)

**new title:** establishing a study committee on antitrust laws as they apply to hospital business practices.

19, am 194-195, psd 218, S nonconc 733

**HB 1509-FN-L**, repealing RSA 541-A and creating a study committee to review rules which must be codified as a result. (Marple, Merr 11; et al: Executive Departments and Administration)  
19, K 229

**HB 1510-FN**, relative to establishing a medical savings account plan for providing state employee health care benefits. (Wendelboe, Belk 2; et al: Executive Departments and Administration)

**new title:** relative to the licensure of geologists.

19, am 303, psd 318, nonconc S am, conf 885, 887, rep adop (RC) 925-928, enr am 940, enr 942 (Chapter 297)

**HB 1511-FN**, requiring parental notification before abortions may be performed on unemancipated minors. (Brothers, Graf 6; et al: Judiciary)  
19, K (RC) 426-428

**HB 1512-FN**, allowing persons leaving employment under the federal family and medical leave act to be eligible for unemployment benefits. (Gile, Merr 16; et al: Labor, Industrial and Rehabilitative Services)

**new title:** establishing a committee to study the feasibility of implementing a paid family and medical leave insurance program and potential funding sources to support it.

19, am 285, psd 318, S conc 568, enr 599, appointments 1104 (Chapter 83)

**HB 1513-FN**, relative to a fine for a youth operating a motor vehicle without an adult present. (H. Harmon, Graf 8: Transportation)  
19, K 239

**HB 1514-FN-L**, requiring a death record for an aborted fetus. (Gilman, Graf 1: Health, Human Services and Elderly Affairs)  
19, K 305

- HB 1515-FN-A-L**, increasing the rate of the meals and rooms tax. (Bickford, Straf 1: Finance)  
19, K 330
- HB 1516-FN**, relative to prosecutorial conduct. (Vaillancourt, Hills 44: Criminal Justice and Public Safety)  
19, K 446
- HB 1517-FN**, memorializing the New Hampshire bill of rights as the law of the land. (D. Hall, Graf 13: Judiciary)  
19, K 182
- HB 1518-FN**, relative to in pro pria persona and pro se litigants. (D. Hall, Graf 13: Judiciary)  
19, K 231
- HB 1519**, relative to diversity training for law enforcement and educational personnel. (Buckley, Hills 44; et al: Labor, Industrial and Rehabilitative Services)  
19, K 395
- HB 1520-FN**, relative to criminal neglect of elderly, disabled, or incapacitated persons. (P. Katsakiores, Rock 13; et al: Criminal Justice and Public Safety)  
19, study 446
- HB 1521-FN-L**, relative to the definition and administration of an adequate education. (O'Hearn, Hills 26; et al: Education)  
19, rules suspended 317-318, am, psd, recon & LT (3 RCs) 340-353, rules suspended 565, am (4 RCs) 580-598, psd 614, nonconc S am, conf 880, 887(no report filed), Clerk's note 1099
- HB 1522-L**, relative to posting warrants in languages other than English and in large-print format. (Weatherspoon, Rock 20; et al: Municipal and County Government)  
19, K 233
- HB 1523**, relative to landlord-tenant obligations. (Craig, Hills 38: Judiciary)  
19, am 231, psd 266, S conc 442, enr 517 (Chapter 48)
- HB 1524**, requiring all retail suppliers of electricity to disclose information regarding the environmental characteristics of the electric power in their resource mix, and establishing a committee to determine optimal ways to ensure that all electricity sold in New Hampshire conforms with acceptable environmental standards. (Lynde, Hills 24; et al: Science, Technology and Energy)  
19, study 197
- HB 1525**, establishing a legislative oversight committee to review the procedures of the health services planning and review board. (Batula, Hills 18; et al: Health, Human Services & Elderly Affairs)  
19, am 508-509, psd 517, S nonconc 889
- HB 1526-FN**, relative to campaign contributions and expenditures. (Horton, Coos 3; et al: Election Law)  
19, rem 186, study 217
- HB 1527**, relative to false statements about candidates. (Pepino, Hills 40; et al: Election Law)  
19, K 353
- HB 1528**, establishing a commission relative to the New Hampshire International Speedway. (Pepino, et al: Public Works and Highways)  
19, K 180
- HB 1529-FN**, establishing criminal penalties for aggressive driving (road rage). (Pepino, Hills 40; et al: Criminal Justice and Public Safety)  
20, K 276

- HB 1530**, relative to the reporting requirement for criminal offenders. (Lovejoy, Rock 12; et al: Criminal Justice and Public Safety)  
20, K 226
- HB 1531**, relative to the preemption of local regulations of firearms. (L. Jean, Hills 17; et al: Criminal Justice and Public Safety)  
20, psd 276, 318, S study 889
- HB 1532**, excluding military pension payments and military survivor's benefit payments for certain persons from gross income under any income tax which may be enacted. (Rosen, Belk 7; et al: Finance)  
20, rem 322, K 368
- HB 1533**, relative to the child protection act. (D. Hall, Graf 13: Children and Family Law)  
20, study 322
- HB 1534**, relative to availability of funds on cash and checks deposited. (Leishman, Hills 13; et al: Commerce)  
20, K 384-385
- HB 1535-FN**, establishing an appellate division of the courts. (L. Jean, Hills 17; et al: Judiciary)  
**new title:** relative to creation of a commission to study the state's increasing appellate caseload and solutions to the increasing appellate caseload.  
20, am 281-282, psd 318, S nonconc 733
- HB 1536-FN**, requiring parental notification for certain offenses involving minors. (Robertson, Ches 18: Criminal Justice and Public Safety)  
20, K 337
- HB 1537-FN**, increasing the fees charged by sheriffs for service of legal process. (Thulander, Hills 6; et al: Judiciary)  
20, K 282
- HB 1538-FN**, relative to coverage of treatment for periodontal disease for adults on medicare or medicaid. (Leonard, Hills 39; et al: Health, Human Services and Elderly Affairs)  
20, K 151
- HB 1539-FN-L**, returning to group II of the New Hampshire retirement system all full-time emergency communicators and full-time emergency-911 telecommunicators who staff offices which are part of the 24-hour public safety network. (Rose, Ches 13; et al: Executive Departments and Administration)  
20, K 177
- HB 1540-FN**, prohibiting certain transfers of information. (Quandt, Rock 20; et al: Commerce)  
20, rem 377, K 439
- HB 1541-FN-L**, relative to the cremation of deceased persons. (Boyce, Belk 5; et al: Municipal and County Government)  
20, psd 336, 370, S conc 733, enr am 735, enr 890 (Chapter 202)
- HB 1542-FN-L**, establishing a parents bill of rights. (Boyce, Belk 5: Children and Family Law)  
20, K 223
- HB 1543-FN-L**, repealing the laws on the collection and enforcement of property taxes. (Marple, Merr 11: Municipal and County Government)  
20, K 179
- HB 1544-FN**, prohibiting the wearing of certain masks and hoods. (Rollo, Straf 10; et al: Criminal Justice and Public Safety)  
20, K 324



- HB 1545-FN-A**, relative to the sale of furniture and bedding. (Mosher, Hills 30: Commerce)  
20, study 273
- HB 1546-FN-A-L**, establishing a New Hampshire education tax on consumption as a source of funding for education, reducing the rates of other state taxes, and increasing certain exemptions to the interest and dividends tax. (Peterson, Hills 8; et al: Finance)  
20, K 391
- HB 1547-FN**, relative to raising the age of minority for the purposes of juvenile delinquency proceedings from 17 to 18 years of age. (Bickford, Straf 1; et al: Children and Family Law)  
20, study 288-289
- HB 1548-FN**, abolishing the death penalty. (Splaine, Rock 34; et al: Criminal Justice and Public Safety)  
20, psd & recon rej (RC) 337-340, 370, S conc 842, enr 851, LT rej & veto sustained (2 RCs) 948-953
- HB 1549-FN**, relative to cost of living adjustments for certain retired members of the New Hampshire retirement system. (Dyer, Hills 8: Executive Departments and Administration)  
20, study 278
- HB 1550-FN**, establishing a bureau of tax law in the department of justice and transferring department of revenue administration hearing officers to the bureau. (Mirski, Graf 12: Executive Departments and Administration)  
20, K 278
- HB 1551-FN**, relative to legislative access to agency information. (Kennedy, Merr 7; et al: Judiciary)  
20, K 333
- HB 1552-FN-A**, establishing a telecommunications development initiative in New Hampshire and making an appropriation therefor. (Thomas, Belk 3: Science, Technology and Energy)  
**new title:** establishing a telecommunications planning and development initiative in New Hampshire and making an appropriation therefor.  
20, am & Finance 310-312, am 472, psd 516, nonconc S am, conf 880, 887, rep adop 924, enr am 940, enr 942, appointments 1106 (Chapter 298)
- HB 1553-FN-L**, relative to the construction and renovation of covered bridges. (Mirski, Graf 12: Public Works and Highways)  
20, K 234
- HB 1554-FN**, prohibiting knowingly remaining in a place where alcoholic beverages or controlled drugs are unlawfully possessed. (Stone, Rock 7; et al: Criminal Justice and Public Safety)  
20, K 276
- HB 1555-FN-L**, requiring the state to rebuild and maintain the dam controlling Russell Reservoir in the town of Harrisville and requiring the department of transportation to convey a certain parcel of land to the town of Harrisville. (Riley, Ches 7; et al: Public Works and Highways)  
21, com changed 119, K 288
- HB 1556-FN-A**, establishing a tax on the retail sale of fireworks and making appropriations to the division of fire standards and training. (Hunter, Hills 7; et al: Criminal Justice and Public Safety)  
21, study 226
- HB 1557-FN-A**, increasing the cigarette tax. (Buckley, Hills 44; et al: Finance)  
21, K (2 RCs) 532-537
- HB 1558-FN-L**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Leishman, Hills 13: Executive Departments and Administration)  
21, study 278

- HB 1559-FN**, establishing the division of ports and harbors within the department of transportation and transferring all functions, powers, and duties of the New Hampshire state port authority. (Leber, Merr 1; et al: Executive Departments and Administration)  
**new title:** establishing a committee to study the organization and functions of the New Hampshire state port authority.  
 21, am 278-279, psd 318, conc S am 694, enr 736, appointments 1104 (Chapter 153)
- HB 1560-FN**, relative to the purchase of certain prior service by county corrections officers in the New Hampshire retirement system. (Welch, Rock 18; et al: Executive Departments and Administration)  
 21, am & Finance 303-304, psd 391-392, 441, S conc 732, enr 736 (Chapter 154)
- HB 1561-FN**, relative to benefits payable upon a group II retirement system member's death after retirement. (Weare, Rock 21: Executive Departments and Administration)  
 21, study 229
- HB 1562-FN**, establishing criminal penalties for violations of orders of protection under the child protection act. (Knowles, Straf 11: Children and Family Law)  
 21, am & Criminal Justice 272-273, psd 387-388, 440, S conc 733, enr 879 (Chapter 189)
- HB 1563-FN-L**, establishing the Wolfeboro Airport Authority. (Bradley, Carr 8: Municipal and County Government)  
 21, am 481-483, psd 516, nonconc S am, conf 882, 887, rep adop 924, enr 937 (Chapter 241)
- HB 1564-FN**, relative to the placement of certain signs. (Salatiello, Belk 2: Public Works and Highways)  
 21, K 196
- HB 1565-FN**, relative to defining certain forms of psychological injury in the child protection act. (I. Pratt, Ches 5; et al: Children and Family Law)  
 21, K 273
- HB 1566-FN**, relative to perambulation between states. (E. Smith, Ches 6: Public Works and Highways)  
 21, psd 152, 169, S conc 373, enr 442 (Chapter 35)
- HB 1567-FN**, extending medical and surgical benefits to domestic partners. (M. Fuller Clark, Rock 36; et al: Commerce)  
 21, study 181
- HB 1568-FN**, relative to disability retirement benefits for group II members injured in the performance of duty. (M. Fuller Clark, Rock 36; et al: Executive Departments and Administration)  
 21, K 189-190
- HB 1569-FN**, relative to contamination of state water resources and the health and environmental effects of certain gasoline components. (Martin, Hills 34; et al: Science, Technology and Energy)  
**new title:** requiring the department of environmental services to propose a voluntary testing program of public water supplies for methyl tertiary butyl ether (MTBE), and to study the amount of MTBE in gasoline in the state.  
**2<sup>nd</sup> new title:** requiring the department of environmental services to develop a voluntary MTBE testing program of state water supplies and to study the amount of MTBE in gasoline in the state.  
 21, am & Finance 312-314, psd 392, 441, nonconc S am, conf 880, 887, rep adop 924, enr 942 (Chapter 299)
- HB 1570-FN**, requiring parolees and probationers from other states to comply with the Interstate Compact on Parole in order to be lawfully present in New Hampshire. (Knowles, Straf 11: Criminal Justice and Public Safety)  
 21, psd 325, 369, nonconc S am, conf 739, 887, rep adop 924, enr 942 (Chapter 300)

- HB 1571-FN**, relative to claims arising from clinical services provided to the department of corrections. (Lozeau, Hills 30; Judiciary)  
21, am 282-283, psd 318, nonconc S am, conf 883, 887, rep adop 924, enr 942, committee amended 1100 (Chapter 301)
- HB 1572-FN-A-L**, repealing the education trust fund, the sources of funding for the education trust fund, and the procedures for funding state aid for educational adequacy. (Mirski, Graf 12; Finance)  
21, com change rej (RC) 140-143, K 472-473
- HB 1573-FN**, relative to funding of the salary of the director of emergency medical services. (Dyer, Hills 8; et al: Finance)  
**new title:** relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor.  
**2<sup>nd</sup> new title:** relative to the funding of the salary of the director of emergency medical services and making an appropriation therefor and relative to automatic external defibrillation.  
21, com change rej (RC) 140-143, am 190-191, psd 218, nonconc S am, conf 881-882, 888, rep adop 924, enr am 940-941, enr 942 (Chapter 302)
- HB 1574-FN**, relative to a living wage act which establishes a living wage requirement for state contracts and awards and state employees, and establishing a study committee on living wage and family economic security. (Garrish, Hills 37; et al: Executive Departments and Administration)  
21, K 304
- HB 1575-FN**, relative to the licensure of interpreters for the deaf. (Burnham, Ches 8; et al: Executive Departments and Administration)  
21, study & privilege of the House 304
- HB 1576-FN-A**, abolishing ramp tolls along state highways and increasing the gasoline tax. (L'Heureux, Hills 18; et al: Public Works and Highways)  
21, K 254-255
- HB 1577-FN**, revising the indoor smoking act. (A. Pelletier, Straf 12; et al: Commerce)  
22, K 243-244
- HB 1578-FN-A**, relative to the joint promotional program and making an appropriation therefor. (Avery, Ches 8; et al: Finance)  
22, com change rej (RC) 140-143, rem 270, K 314
- HB 1579-FN**, establishing a penalty for a third violation of the youth tobacco laws. (Avery, Ches 8; et al: Commerce)  
**new title:** establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.  
22, am 244-245, psd 266, nonconc S am, conf 883, 888, rep adop 924, enr am 941, enr 942 (Chapter 303)
- HB 1580-FN-A-L**, allowing businesses to apply the investment tax credit to contributions made to public schools, charter schools, and scholarship funding organizations. (Alger, Graf 9; et al: Finance)  
22, com change rej (RC) 140-143, K 330
- HB 1581**, making optional the laws relative to energy conservation in new building construction. (Mock, Carr 3; et al: Municipal and County Government)  
22, K 399
- HB 1582**, establishing a committee to study family friendly employment and workplace policies and to determine effects on families and employers. (Gile, Merr 16; et al: Labor, Industrial and Rehabilitative Services)

**new title:** establishing a committee to study workplace policies and practices of small businesses for their effect on New Hampshire employees and their families.

22, am 333-334, psd 369, S conc 881, enr am 888-889, enr 891, appointments 1104 (Chapter 233)

**HB 1583**, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. (D. White, Hills 25: Executive Departments and Administration)

22, am 229, psd 266, conc S am 571, enr am 616, enr 692 (Chapter 118)

**HB 1584-FN**, relative to the licensing and regulation of child day care agencies. (Patricia Cote, Rock 9: Executive Departments and Administration)

22, K 279

**HB 1585**, relative to staffing ratios in long term care facilities in the state. (Garrish, Hills 37: Health, Human Services and Elderly Affairs)

22, K 230

**HB 1586-FN-A-L**, relative to public highway safety grants and making an appropriation therefor. (Chandler, Carr 1; et al: Finance)

22, com change rej (RC) 140-143, K 473

**HB 1587-FN**, relative to payment of health insurance costs for certain child day care agencies. (Wallner, Merr 24; et al: Commerce)

22, am & Finance 289-290, study (RC) 537-540

**HB 1588**, relative to the authority of the department of transportation regarding rail safety inspections. (G. Katsakiores, Rock 13; et al: Transportation)

22, am 153, psd 169, conc S am 571, enr 652 (Chapter 97)

**HB 1589**, prohibiting the use of genetic testing for certain insurance policies. (Kurk, Hills 5: Commerce)

**new title:** relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance, and relative to sales of insurance by financial institutions.

**2<sup>nd</sup> new title:** relative to informed consent for genetic testing and establishing a committee to study issues relating to the use of medical testing in underwriting insurance and a committee to study the need for standards to protect the privacy of customer information in the financial services industry.

22, am 521-522, psd 566, nonconc S am, conf 882, 888, rep adop 924, enr am 941, enr 942, appointments 1104 (Chapter 304)

**HB 1590**, relative to prohibiting a zoning ordinance from a residential preexisting nonconforming property owner's ability to rebuild after a fire loss. (Martel, Hills 45; et al: Municipal and County Government)

22, study 399

**HB 1591-FN-L**, establishing a defined contribution retirement option in the New Hampshire retirement system. (Sapareto, Rock 13; et al: Executive Departments and Administration)

22, study 229

**HB 1592**, relative to the display of the United States flag. (Marple, Merr 11; et al: Executive Departments and Administration)

22, am 229, psd 266, S conc 879, enr 890 (Chapter 203)

**HB 1593-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected and establishing the local option of a 4 percent rooms tax. (Vaillancourt, Hills 44: Finance)

22, K 330-331



- HB 1594-FN**, relative to the allocation of moneys in the tobacco use prevention fund. (Flora, Hills 15; et al: Health, Human Services and Elderly Affairs)  
22, psd 182, 183, S conc 442, enr am 444, enr 569, appointments 1107 (Chapter 62)
- HB 1595-FN**, establishing a committee to study issues relating to foster parenting and establishing a transitional housing pilot program for certain children living in foster care. (Young, Sull 6: Children and Family Law)  
22, K 273
- HB 1596**, establishing a committee to study deadlines for the completion of work in the legislative process. (Sullivan, Carr 2; et al: Legislative Administration)  
22, K 476
- HB 1597**, relative to passage of fiscal note bills which do not contain an accompanying fiscal analysis. (Sullivan, Carr 2; et al: Legislative Administration)  
22, K 476
- HB 1598-L**, relative to fluoride in drinking water. (Richardson, Ches 12; et al: Municipal and County Government)  
23, K 513
- HB 1599-FN-A-L**, establishing a prescription drug payment assistance program and making an appropriation therefor. (Moriarty, Hills 18; et al: Finance)  
23, com change rej (RC) 140-143, K 392
- HB 1600**, not introduced
- HB 1601-FN-L**, relative to the procedure for the setting of tax rates by the commissioner of revenue administration. (Boyce, Belk 5, et al: Municipal and County Government)  
23, K 233
- HB 1602-FN**, establishing the New Hampshire task force on deafness and hearing loss. (Burnham, Ches 8: Health, Human Services and Elderly Affairs)  
23, rem 223, am 261-262, psd 266, S conc 881, enr 891, appointments 1104-1105 (Chapter 234)
- HB 1603**, establishing a committee to study the ages at which persons under 21 years of age become subject to state laws. (Keans, Straf 16: Children and Family Law)  
23, K 337
- HB 1604-FN-L**, establishing the position of state animal control officer. (J. Phinizy, Sull 7; et al: Wildlife and Marine Resources)  
23, study 155
- HB 1605-FN-L**, relative to the adoption of a state building code. (Clegg, Hills 23: Municipal and County Government)  
23, K 553
- HB 1606-FN**, establishing the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. (Leber, Merr 1; et al: Executive Departments and Administration)  
23, am 471, psd 516, S conc 733, enr am 735-736, enr 890, appointments 1106-1107 (Chapter 204)
- HB 1607**, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services. (Burnham, Ches 8; et al: Health, Human Services & Elderly Affairs)  
**new title:** establishing a study committee to consider legislation reducing to zero the number of persons with developmental disabilities and persons with brain injuries in the state who are not receiving or have not received medicaid services.  
23, psd 254, 266, conc S am 739, enr 890, appointments 1105 (Chapter 205)

- HB 1608-FN-L**, relative to minors and smoking. (Pantelakos, Rock 30; et al: Commerce)  
23, K (RC) 245-248
- HB 1609**, establishing a commission to study issues of diversity, immigration, and English as a second language in New Hampshire. (Garrish, Hills 37: Executive Departments and Administration)  
23, rem 445, K 515
- HB 1610-FN**, regulating indoor tanning facilities. (Copenhaver, Graf 10; et al: Executive Departments and Administration)  
23, study 531-532
- HB 1611**, recodifying the state's DWI laws. (Christie, Rock 22: Criminal Justice and Public Safety)  
**new title:** relative to liquor liability insurance coverage and retail selling.  
**2<sup>nd</sup> new title:** relative to retail selling.  
23, am 446-465, psd 516, nonconc S am, conf 883, 888, rep adop 928, enr am & enr 941-942 (Chapter 305)
- HB 1612-FN**, establishing a state office of privacy. (Kurk, Hills 5; et al: Executive Departments and Administration)  
23, study 471
- HB 1613**, exempting police officers on bicycles from certain motor vehicle laws and rules. (K. Hutchinson, Rock 29: Transportation)  
23, am 239-240, psd 266, S conc 567, enr 569 (Chapter 63)
- HB 1614**, naming 2 bridges. (L'Heureux, Hills 18; et al: Public Works and Highways)  
144, am 196, psd 218, S conc 689, enr 692 (Chapter 119)
- HB 1615-L**, relative to the application of a local per capita income weighting factor to the education property tax. (Bradley, Carr 8; et al: Finance)  
144-145, K 473
- HB 1616-FN**, relative to registration fees for certain construction equipment vehicles. (J. Flanders, Rock 18; et al: Transportation)  
145, am 197-198, psd 218, S conc 373, enr 374 (Chapter 20)
- HB 1617-FN**, relative to suspension of a driver's license for sufficient cause. (Packard, Rock 29; et al: Transportation)  
**new title:** relative to suspension of a driver's license for sufficient cause, and establishing a study committee to define the meaning of "misconduct, misuse, or abuse of such driving privileges."  
145, am 336, psd 370, nonconc S am, conf 739, 888, rep adop 928, enr am & enr 942, appointments 1105 (Chapter 306)
- HB 1618**, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations. (Gilmore, Straf 11; et al: Science, Technology and Energy)  
268, rules suspended 565, study (RC) & debate printed 668-678
- HB 1619-FN**, relative to school employee and volunteer background investigations. (Ward, Graf 1: Education)  
320, am 525-527, psd 566, S study 733
- HB 1620-FN**, relative to driver record information. (Kurk, Hills 5; et al: Transportation)  
370, am 562-565, psd 566, nonconc S am, conf 884, 888 (no report filed), Clerk's note 1099
- HB 1621-FN**, allowing administrative home confinement for habitual offenders. (Lozeau, Hills 30; et al: Criminal Justice and Public Safety)  
371, psd 466, 516, nonconc S am, conf 885, 888, rep adop 924, enr 942 (Chapter 307)

**HB 1622-L**, relative to budget information in town reports in towns which have adopted the official ballot referenda form of meeting. (Lynde, Hills 24; et al: Municipal and County Government)

**new title:** eliminating the requirement that a deputy town clerk have his or her domicile within the town.

**2<sup>nd</sup> new title:** making the requirement that a deputy town clerk have his or her domicile within the town optional, ratifying any annual town meeting held prior to the effective date of this act that is of questionable legality solely due to the town having a nonresident deputy town clerk, and relative to the simultaneous holding of certain town offices.

373, am 483-484, psd 516, nonconc S am, conf 883, 888, rep adop 928, enr 942 (Chapter 308)

**HB 1623**, relative to the disclosure of customer financial information by financial institutions. (Kurk, Hills 5; et al: Commerce)

373, rules suspended 565, K (RC) 601-604

**HB 1624**, relative to administrative rules concerning sales of pari-mutuel pools. (Dyer, Hills 8; et al: Executive Departments and Administration)

373, rules suspended 565, study 659

**HB 1625**, requiring the attorney general to initiate a declaratory judgment action concerning record title matters related to the Green Hills subdivision in the town of Raymond. (Bishop, Rock 12; et al: Municipal and County Government)

442, rules suspended 565, LT 667-668, rules suspended & study 875

**HB 1626-FN**, establishing a program to rebate certain excessive property tax payments of eligible taxpayers. (Sapareto, Rock. 13; et al: Finance)

442, rules suspended 565, K 663-664

**HB 1627**, relative to the exchange of certain land in the town of Rindge. (Hunt, Ches 10; et al: Public Works and Highways)

442, rules suspended 565, am 600, psd 615, S conc 881, enr 891 (Chapter 235)

**HB 1628-FN-A-L**, establishing a reformed public school financing system for ensuring educational adequacy for all children; establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor. (Hess, Merr 11; et al: Finance) intro & rules suspended 565, K 624

**HBs 1629 – 1999**, not introduced

**HB 2000-FN-L**, relative to a 10-year transportation plan. (E. Smith, Ches 6: Public Works and Highways)

**new title:** relative to a 10-year transportation plan and establishing a committee to study the transportation plan projects.

**2<sup>nd</sup> new title:** relative to a 10-year transportation plan, establishing a committee to study the transportation plan projects, relative to proposed toll booths in the city of Nashua, and relative to alternatives to the statewide toll booth system.

184, rules suspended 317-318, Finance 557, rules suspended 565, am (RC) 714-718, psd 731, nonconc S am, conf 884, 888, rep adop (RC) 928-930, enr 942, appointments 1105 (Chapter 309)

## 2000 SESSION

### HOUSE JOINT RESOLUTION

#### 1999 HOUSE JOINT RESOLUTION RE-REFERRED TO COMMITTEE

**HJR 6**, encouraging the revitalization of the northern rail line from Concord to Lebanon.

**new title:** encouraging the revitalization of the northern rail corridor from Concord to Lebanon and recognizing its interim recreational uses.

conc S am 171, enr 221 (Chapter 7)

## 2000 SESSION

## HOUSE JOINT RESOLUTIONS

- HJR 20**, urging the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims. (Konys, Hills 33; et al: State-Federal Relations and Veterans Affairs) 23, psd 336, 370, S conc 881, enr 891 (Chapter 218)
- HJR 21**, calling for changes in the federal Clean Air Act regarding best available control technology. (MacGillivray, Hills 21: Science, Technology and Energy)  
**new title:** calling for changes in the federal Clean Air Act regarding best available control technology and lowest achievable emission rate.  
 23, am 401-402, psd 441, conc S am 842, enr 891 (Chapter 219)
- HJR 22**, relative to the unintended consequences of the Balanced Budget Act of 1997. (Virtue, Merr 9; et al: Finance)  
 23, com change rej (RC) 140-143, am 473-474, psd 516, S conc 733, enr 879 (Chapter 174)
- HJR 23**, urging the executive branch to negotiate an expedient settlement resolving the Claremont dispute. (Sapareto, Rock 13; et al: Finance)  
 23, rem 445, K 515
- HJR 24**, urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE and to eliminate Clean Air Act requirements for oxygenates in gasoline. (Bradley, Carr 8; et al: Science, Technology and Energy)  
**new title:** urging the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline.  
 23, am 402-403, psd 441, conc S am 842-843, enr 891 (Chapter 220)
- HJR 25**, urging the United States Secretary of Agriculture, the Director of the Drug Enforcement Administration, and the Director of the Office of National Drug Control Policy to revise regulations to permit the controlled, experimental cultivation of industrial hemp in New Hampshire. (Robb-Theroux, Sull 9: State-Federal Relations and Veterans Affairs)  
 23, psd 361, 370, S nonconc 615
- HJR 26**, urging Congress to pass legislation ensuring improved access to local television for households in unserved and underserved rural areas. (Wendelboe, Belk 2; et al: State-Federal Relations and Veterans Affairs)  
 371, rules suspended 565, psd 600, 615, S conc 879, enr 890 (Chapter 192)

## 2000 SESSION

## HOUSE CONCURRENT RESOLUTIONS

- HCR 20**, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting. (Dalrymple, Rock 26; et al: State-Federal Relations and Veterans Affairs)  
 23, adop 236, 266, S conc 690
- HCR 21**, urging the federal government to increase the pay to military personnel. (Quandt, Rock 20; et al: State-Federal Relations and Veterans Affairs)  
**new title:** urging the federal government to increase the pay to all active and retired military personnel.  
 24, adop 181, 183, conc S am 377
- HCR 22**, urging the federal government to ensure that defense appropriations are spent in support of defense programs. (Quandt, Rock 20; et al: State-Federal Relations and Veterans Affairs)  
 24, adop 182, 183, S conc 373



- HCR 23**, urging the United States Congress to allow greater state and local regulation of cable television services and greater choice for cable television subscribers. (Larrabee, Merr 9: State-Federal Relations and Veterans Affairs)  
24, K 236
- HCR 24**, relative to integration of people with disabilities. (Salatiello, Belk 2: State-Federal Relations and Veterans Affairs)  
24, adop 236, 266, S conc 689
- HCR 25**, opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry. (Scanlan, Graf 11; et al: Resources, Recreation and Development)  
24, am & adop (RC) 165-168, 169, S conc 371
- HCR 26**, relative to the redistricting of the town of Alexandria following the 2000 census. (Scanlan, Graf 11; et al: Election Law)  
24, K (RC) 353-356
- HCR 27**, requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes. (Noyes, Rock 26; et al: State-Federal Relations and Veterans Affairs)  
**new title:** requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes and urging the federal government to allow states to exercise greater control over state-specific banking interests.  
**2<sup>nd</sup> new title:** requesting Congress to propose an amendment to the U.S. Constitution to prevent federal courts from instructing states or political subdivisions of states to levy or increase taxes.  
24, rem 322, rcmt 369, am 487-488, adop 516, conc S am 843, enr am 889
- HCR 28**, requesting the New Hampshire supreme court to rule on whether part first, article 6 and part second, article 83 of the New Hampshire constitution are in conflict. (Bruno, Hills 4; et al: Judiciary)  
24, rem 270, K 314
- HCR 29**, promoting the development and implementation of a financial literacy curriculum for primary school pupils in New Hampshire. (Kenney, Carr 6: Education)  
24, rem 147, SO 168, K 175
- HCR 30**, urging the United States Environmental Protection Agency to adopt recently proposed new automobile emission standards and fuel regulations known as the Tier2/Gasoline Sulfur Rule, at least as stringent as originally proposed. (Norelli, Rock 31; et al: Science, Technology and Energy)  
**new title:** urging the United States Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy-duty vehicles and reductions in the sulfur content of highway diesel fuel.  
24, am 399-401, adop 441, S conc 690
- HCR 31**, urging the New Hampshire congressional delegation to take action to keep the international border crossing between the United States and Canada, in the town of Pittsburg, New Hampshire, open 24 hours a day. (Merrill, Coos 1; et al: State-Federal Relations and Veterans Affairs)  
183-184, adop 288, 318, S conc 568
- HCR 32**, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. (G. Grown, Straf 17; et al: State-Federal Relations and Veterans Affairs)  
184, rules suspended & adop (RC) 263-265, 266, S nonconc 733

- HCR 33**, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river. (Burling, Sull 1; et al: State-Federal Relations and Veterans Affairs) 267, adop 403, 441, S conc 689
- HCR 34**, urging Congress to investigate the rising prices of gasoline and diesel fuel and take appropriate action to decrease prices to consumers. (E. Gagnon, Hills 48; et al: State-Federal Relations and Veterans Affairs) 370, adop 562, 566, S nonconc 734
- HCR 35**, urging the United States Food and Drug Administration to defer its proposed rules requiring pasteurization for apple cider and consider adoption of alternative processing standards. (L. Pratt, Coos 4; et al: Environment and Agriculture) 442, rules suspended 565, adop 621, 686, S conc 881, enr am 889

## 2000 SESSION

### 1999 HOUSE RESOLUTION REMAINING ON THE TABLE

- HR 10**, affirming revenue estimates for fiscal years 1999, 2000 and 2001, be removed from the table.  
**new title:** affirming revenue estimates for fiscal years 2000 and 2001.  
 am & LT 613-614, am & adop 1094-1095

## 2000 SESSION

### HOUSE RESOLUTIONS

- HR 20**, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer. (R. Nowe, Rock 3; et al: State-Federal Relations and Veterans Affairs) 24, K (RC) and recon rej 433-436
- HR 21**, memorializing State Representative Kenneth J. MacDonald of Wolfeboro. intro & adop 1, 2
- HR 22**, memorializing State Representative Paul A. Golden of Center Barnstead. intro, adop & poem 2
- HR 23**, memorializing State Representative Marie C. Hawkinson of Berlin. intro & adop 185-186
- HR 24**, requesting an opinion of the justices on the constitutionality of HB 1628-FN-A-LOCAL, "An act establishing a reformed public school financing system for ensuring educational adequacy for all children; establishing a state public education assistance system funded solely with state tax revenues, and making an appropriation therefor." (Hess, Merr 11; et al) 565, Clerk's note 1099
- HR 25**, memorializing State Representative Frank M. Schanda of Newmarket. intro & adop 943-944
- HR 26**, honoring New Hampshire Public Radio and New Hampshire Public Television. intro & adop 981-982
- HR 27**, honoring the House Judiciary Committee. intro & adop 1093-1094
- HR 28 – 49**, not introduced
- HR 50**, authorizing and directing the house judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and/or any other justice of the New Hampshire supreme court. (Mirski, Graf 12; et al) intro & adop (RC) 571-580, 614, remarks 687, 977-980, rep 982-991

- HR 51**, recommending impeachment of supreme court chief justice David A. Brock.  
991, am, debate printed and adop (6 RCs) 991-1052, 1095
- HR 52**, recommending that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr.  
991, adop (2 RCs) debate printed & protest 1070-1080, 1095
- HR 53**, recommending that no article of impeachment be brought against supreme court justice John T. Broderick, Jr.  
991, LT rej, adop (2 RCs) & debate printed 1080-1093, 1095
- HR 54**, appointing House managers.  
intro & adop 1093, 1095, appointments, 1098

## 2000 SESSION

### SENATE BILLS

#### 1999 SENATE BILLS RE-REFERRED TO COMMITTEE

- SB 11-FN**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.  
K 37
- SB 29-L**, relative to the proper sheltering of dogs.  
am 32, psd 92, S conc 144, enr 170 (Chapter 4)
- SB 36-FN-A**, relative to salary increases for care providers for persons with developmental and acquired disabilities and making an appropriation therefor.  
**new title:** relative to salary increases for direct care providers for persons with developmental and acquired disabilities.  
am 132, psd 143, S conc 183, enr 221 (Chapter 11)
- SB 46-FN**, relative to the applicability of mooring permit requirements. (Resources, Recreation and Development)  
144, K 305-306
- SB 52**, requiring insurance coverage for infertility treatments.  
study 95
- SB 71**, prohibiting the use of MTBE as an additive in gasoline.  
K 118-119
- SB 72**, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws. (Resources, Recreation and Development)  
219, K 770
- SB 76-L**, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction.  
**new title:** establishing a pilot program allowing certain economically depressed municipalities to offer tax exemptions to foster public accommodation and industrial construction.  
am & Finance 111-113, Municipal and County Government 213, rules suspended 217, am (RC) 553-557, psd 566, S conc 568, enr 599 (Chapter 84)
- SB 85-FN**, including the judiciary as a public employer under the public employee labor relations act.  
study 82
- SB 86**, relative to enforcement of the collection and payment of county taxes by the county treasurer.  
am 43, psd 93, S conc 144, enr 170 (Chapter 1)

**SB 88-FN**, relative to penalties for third driving while intoxicated offenses.  
study 32

**SB 89-L**, relative to library trustees.  
am 43-44, psd 93, S conc & enr 221 (Chapter 9)

**SB 94**, relative to absentee voter affidavits.  
K 34

**SB 97**, relative to charitable trusts which are institutional funds. (Commerce)  
219, am 698, psd 731, S conc 889, enr 937 (Chapter 250)

**SB 116**, eliminating straight ticket voting.  
K (RC) 121-124

**SB 128**, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor. (Health, Human Services and Elderly Affairs)  
**new title:** replacing the housing assistance trust fund with a homeless prevention fund.  
219, Finance 541, am 863-864, psd 876, S conc 889, enr am 936, enr 937 (Chapter 251)

**SB 132**, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge. (Resources, Recreation and Development)  
569, am 872-874, psd 876, S nonconc, conf 884, rem 892, rep adop (RC) 920-923 (unable to agree)

**SB 134-FN**, relative to medicaid reimbursement rates and dental care.  
K 107

**SB 135-FN**, relative to water supply land protection grants.  
am & Finance 87-92, psd 213, 218, S nonconc, conf 269, rep adop 892-893, enr am 937, enr 942 (Chapter 310)

**SB 136-FN**, allowing certain state employees to take paid leave to participate in disaster relief service work. (Executive Departments and Administration)  
219, am & Finance 621, am 759-760, rules suspended & psd 772, S conc 889, enr 937 (Chapter 252)

**SB 137-FN**, relative to use of social security numbers in child support enforcement and in the issuance of driver's licenses.  
K 26

**SB 143**, relative to penalties for incest.  
SO 95, am (2 RCs) 101-106, psd 119, S nonconc, conf 185, rep adop 697, enr am 734, enr 851 (Chapter 173)

**SB 147**, relative to self-referrals for chiropractic care under managed care organizations.  
rcmt 55, am 155-156, psd 169, S conc 183, enr am 184, enr 254 (Chapter 14)

**SB 153-FN-A**, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs.  
am (RC) 107-109, psd 119, S conc 889, enr am 937, enr 942, veto overridden (RC) 1096-1098 (Chapter 328)

**SB 162**, providing for the licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances.

**new title:** authorizing licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances.  
am 26-27, psd 92, S conc 144, enr 170 (Chapter 2)



- SB 170-FN-A**, establishing a parents as teachers pilot program in Sullivan county and making an appropriation therefor.  
**new title:** establishing a Parents as Teachers Program in Sullivan county and making an appropriation therefor.  
 am & Finance 59-60, rules suspended 217, am 540-541, psd 566, S conc 568, enr am 598, enr 733 (Chapter 140)
- SB 176-FN-A**, relative to technology support for individuals and making an appropriation therefor.  
**new title:** relative to technology support for individuals and establishing a committee to study certain assistive technology services provided statewide.  
**2<sup>nd</sup> new title:** establishing a committee to study certain assistive technology services provided statewide.  
 am 80-81, psd 93, S conc 144, enr am 145, enr 170, appointments 1105 (Chapter 173)
- SB 178-FN-A**, relative to appropriations to the port authority for dredging projects.  
 am & Finance 85-86, psd 191, 218, S conc & enr 254 (Chapter 15)
- SB 181-FN**, relative to the licensure of geologists. (Executive Departments and Administration)  
 219, rcmt 659, am & study 861-863, recon rej 876
- SB 185**, relative to the partition of real or personal property. (Judiciary)  
 219, K 393
- SB 186-FN**, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.  
 am (RC) & recon rej 132-137, psd 143, S nonconc, conf 222, rep adop 617-619, enr 692 (Chapter 120)
- SB 205-FN**, expanding medical coverage to pay dental assistance for adults on medicaid.  
 K 109-110
- SB 206-FN-A-L**, relative to distribution of tobacco settlement funds. (Finance)  
 219, psd 864, 876, enr 891 (Chapter 212)
- SB 207**, relative to authorizing bonds for the construction and renovation of regional vocational education centers.  
 K 44
- SB 208-FN**, establishing a "parents as scholars" program.  
 K 34
- SB 210-FN-L**, relative to payment by the state for certain court-ordered placements of special education students. (Education)  
 219, am & Finance 610-611, study 864
- SB 216-FN**, allowing veterans the right to purchase credit in the retirement system for certain service in the armed forces.  
 K 35
- SB 219-FN-L**, establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor. (Education)  
 219, K (RC) 706-708
- SB 222-FN-A-L**, relative to guarantee of loans to local development organizations.  
 am 81, psd 93, S conc 144, enr am 169, enr 221 (Chapter 10)
- SB 226-FN**, relative to the real estate practice act and the powers and duties of the real estate commission. (Executive Departments and Administration)  
 219, am 755-756, rules suspended & psd 772, S nonconc, conf 884, rep adop 893, enr am 937, enr 942 (Chapter 311)

- SB 228**, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system.  
am & Finance 124-125, psd 191, 218, S conc & enr am 221, enr 318 (Chapter 17)
- SB 231**, relative to termination of water service from a water utility in the town of Pittsfield. (Resources, Recreation and Development)  
219, am & K 773

## 2000 SESSION

### SENATE BILLS

- SB 302**, relative to certain employment requirements for liquor licensees. (Criminal Justice and Public Safety)  
375, am 750-751, rules suspended & psd 772, S conc 889, enr 937 (Chapter 253)
- SB 303**, relative to campaign contributions by business organizations. (Election Law)  
372, am (RC), recon & am 854-860, psd 876, S nonconc, conf 884 (no report filed), Clerk's note 1099
- SB 305**, relative to payments to defeat eviction for nonpayment of rent. (Judiciary)  
372, psd 699, 731, enr 736 (Chapter 155)
- SB 307**, relative to biosolids and short paper fiber. (Environment and Agriculture)  
443, psd (2 RCs) 652-657, 686, enr 692 (Chapter 121)
- SB 308**, relative to the adoption of a minor child by the natural grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division in Grafton and Rockingham counties. (Judiciary)  
**new title:** relative to the adoption of a minor child by the grandparent or grandparents and relative to de novo appeals to the superior court in abuse and neglect proceedings before the family division of the courts.  
375, am 699-700, psd 731, S conc 889, enr am 936, enr 937 (Chapter 254)
- SB 310**, relative to New Hampshire state-chartered banks and interstate banking. (Commerce)  
374, psd 739, rules suspended & psd 772, enr 891 (Chapter 236)
- SB 311**, relative to the recovery of public assistance. (Health, Human Services and Elderly Affairs)  
443, am 664-666, psd 686, S conc 690, enr 736 (Chapter 156)
- SB 312**, relative to fluoride. (Municipal and County Government)  
374, K 700
- SB 313**, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. (Health, Human Services and Elderly Affairs)  
219, psd 599, 615, enr am 616, enr 692, appointments 1105 (Chapter 122)
- SB 314**, establishing a committee to study the feasibility of driver education programs by correspondence schools. (Transportation)  
219, K 403
- SB 315**, changing the form for writs of execution. (Judiciary)  
372, rem 697, am 730, psd 731, S conc 734, enr 879 (Chapter 191)
- SB 316**, relative to "most favored nation" or "equally favored nation" provisions in insurance provider contracts. (Commerce)  
374, psd 739-740, rules suspended & psd 739-740, 772, enr 890 (Chapter 206)
- SB 318-FN**, relative to proposed joint maintenance agreements. (Education)  
219, Finance 599, psd 760, rules suspended & psd 772, enr am 884, enr 891 (Chapter 215)

- SB 319**, relative to interstate school districts. (Education)  
219, psd 599, 614, enr 652 (Chapter 98)
- SB 320**, relative to ballot counting in cooperative school districts and relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000. (Education)  
**new title:** relative to ratifying the Inter-Lakes cooperative school district meeting held on March 8, 2000; and relative to ratifying the Plainfield school district annual meeting held on March 10, 2000.  
372, rem 619, am 682, psd 686, S conc 690, enr 733 (Chapter 141)
- SB 322**, extending the needle exchange pilot program. (Health, Human Services and Elderly Affairs)  
443, psd 624, 686, enr 692 (Chapter 123)
- SB 323**, relative to ambulatory surgical facilities in service areas of rural hospitals. (Health, Human Services and Elderly Affairs)  
443, am 867-868, psd 876, S nonconc, conf 885, rep adop 895-896, enr 942, appointments 1107-1108 (Chapter 312)
- SB 324**, relative to personal care services and providers. (Health, Human Services and Elderly Affairs)  
443, am & Finance 624-627, am 760, rules suspended & psd 772, S conc 889, enr 937 (Chapter 255)
- SB 325**, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction. (Children and Family Law)  
**new title:** relative to denial, revocation or suspension of a child care provider license, permit or registration for certain felony convictions.  
219, am 619-620, psd 686, S conc 690, enr 736 (Chapter 157)
- SB 326**, relative to the joint health council. (Executive Departments and Administration)  
443, am 756, rules suspended & psd 756, S nonconc, conf 884, rep adop 893 (unable to agree)
- SB 327**, relative to responsibility of the employee and perjury under workers' compensation. (Labor, Industrial and Rehabilitative Services)  
319, am 627-628, psd 686, S conc 690, enr 736 (Chapter 158)
- SB 328**, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision. (Wildlife and Marine Resources)  
**new title:** making corrections to statutory references in certain fish and game laws.  
219, am & Exec Depts 404, am 756-757, rules suspended & psd 772, S conc 889, enr 937 (Chapter 256)
- SB 329**, relative to the display of tobacco products.  
House rej intro 697
- SB 330**, establishing a committee to study the impact of water withdrawals on instream flows. (Resources, Recreation and Development)  
**new title:** establishing a committee to study the impact of water withdrawals on instream flow rules on entities that withdraw water or are affected by instream flows.  
372, am 701, psd 731, S conc 889, enr 923, appointments 1105 (Chapter 242)
- SB 331**, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation. (Resources, Recreation and Development)  
219, psd 485, 516, enr 569 (Chapter 64)
- SB 332**, relative to risk-based capital for health organizations. (Commerce)  
319, psd 370, rules suspended & psd 772, enr 890 (Chapter 207)

- SB 333**, relative to signs for churches. (Public Works and Highways)  
219, psd 484, 516, enr 569 (Chapter 65)
- SB 334**, relative to credit unemployment insurance. (Commerce)  
319, psd 813-814, 876, enr am 890, enr 923 (Chapter 243)
- SB 335**, allowing physicians to make a report when a person is unfit to drive a motor vehicle. (Judiciary)  
219, study 766
- SB 336**, relative to the issuance of fire permits. (Criminal Justice and Public Safety)  
219, psd 466, 516, enr 569 (Chapter 66)
- SB 337-FN**, requiring any new resident applying for a permanent driver's license to be checked through the National Crime Information Center (NCIC) for outstanding warrants or court defaults, as a precondition to issuance, and authorizing interest penalties on unpaid violations. (Transportation)  
688, K 771-772
- SB 338**, relative to trustee process. (Judiciary)  
372, am 766-768, rules suspended & psd 772-773, S conc 889, enr 937 (Chapter 257)
- SB 339-FN**, relative to conducting a feasibility study of various alternatives to enhance safety at the traffic circle in the city of Portsmouth. (Public Works and Highways)  
372, psd 668, 686, enr 692 (Chapter 124)
- SB 340**, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting. (Municipal and County Government)  
219, psd 700, 731, enr 736, report date extended 1100 (Chapter 159)
- SB 341**, extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists. (Executive Departments and Administration)  
219, psd 388, 440, enr 517, appointments 1106 (Chapter 49)
- SB 342**, extending the reporting date of the committee studying the impact of federal welfare reform on the cities and towns of New Hampshire. (Health, Human Services and Elderly Affairs)  
219, K 392
- SB 343**, relative to disclosures concerning sexual offenders in sales of real property. (Commerce)  
372, K 698
- SB 344**, relative to appointment of housing consumers to housing authority boards. (Municipal and County Government)  
219, psd 700, 731, enr 736 (Chapter 160)
- SB 345**, relative to real estate transfers. (Municipal and County Government)  
319, K 769
- SB 346**, relative to court appearances by certain business owners. (Judiciary)  
319, K 700
- SB 347-L**, relative to the contributory retirement system of the city of Manchester. (Municipal and County Government)  
372, K 700-701
- SB 348**, extending the committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. (Transportation)  
219, psd 336-337, 370, enr 374, report date extended 1100 (Chapter 29)
- SB 349**, relative to the sale of the marital residence or other real property in a domestic proceeding. (Children and Family Law)  
**new title:** relative to the sale of the marital residence in a domestic proceeding.  
374, am 697-698, psd 731, S conc 889, enr 937 (Chapter 258)



- SB 350**, adding business development to the law governing industrial development authorities. (Commerce)  
219, psd 699, 731, enr 736 (Chapter 161)
- SB 351**, making certain changes in the laws relative to fraternal benefit societies and health service corporations. (Commerce)  
220, psd 699, 731, enr 736 (Chapter 162)
- SB 352**, repealing the equipment challenge grant program within the New Hampshire community-technical colleges. (Education)  
220, psd 599, 615, enr 652 committee, repealed 1100 (Chapter 99)
- SB 353**, relative to sales of insurance by financial institutions. (Commerce)  
374, am & recon rej (RC) 814-819, rules suspended & psd 849, S nonconc, conf 886, rep adop 893-894, enr am 937, enr 942 (Chapter 313)
- SB 354**, relative to an exemption from the seat belt law for passengers in motor vehicles in parades. (Transportation)  
319, rules suspended & psd 403-404, enr 423 (Chapter 19)
- SB 355**, relative to name changes for criminal offenders. (Criminal Justice and Public Safety)  
319, psd 388, 440, enr 517 (Chapter 50)
- SB 356**, extending the committee to study and identify or establish the duties of the fish and game commission. (Wildlife and Marine Resources)  
220, psd 337, 370, enr 374, report date extended 1100 (Chapter 30)
- SB 357**, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect. (Children and Family Law)  
220, am 378, psd 440, S conc 567, enr 569, report date extended 1100 (Chapter 67)
- SB 358**, relative to court reporting services. (Judiciary)  
319, psd 868-869, 876, enr 891 (Chapter 216)
- SB 359**, establishing a committee to study the issues relative to manufactured housing parks in New Hampshire. (Commerce)  
569, K 740
- SB 360**, adopting a pupil safety and violence prevention act. (Education)  
567, am (2 RCs) 708-714 psd, 731, S conc 734, enr 879 (Chapter 190)
- SB 362**, relative to the length of buses and single unit vehicles. (Transportation)  
220, psd 337, 370, enr 374 (Chapter 31)
- SB 363**, relative to the sale of malt beverages. (Commerce)  
**new title:** relative to the sale of malt beverages, direct shipper permits, and registration requirements for wine and liquor licenses.  
319, am (RC) 819-823, rules suspended & psd 849, S conc 889, enr 937 (Chapter 259)
- SB 364**, relative to benefits for permanent bodily losses under workers' compensation. (Labor, Industrial and Rehabilitative Services)  
374, psd 628, 686, enr 692 (Chapter 125)
- SB 367**, establishing a prescription drug access study committee. (Health, Human Services and Elderly Affairs)  
220, psd 766, rules suspended & psd 772-773, enr 890, appointments 1106 (Chapter 208)
- SB 368**, relative to insurance fraud. (Commerce)  
220, am 740-741, rules suspended & psd 772, S conc 889, enr 937 (Chapter 260)

- SB 369**, establishing a committee to conduct a study on the need for standards to protect health information privacy. (Commerce)  
220, K 699
- SB 370**, relative to reflectors on bicycle pedals. (Transportation)  
319, psd 628, 686, enr 692 (Chapter 126)
- SB 372**, relative to certain engineering businesses. (Executive Departments and Administration)  
220, am 621-622, psd 686, S conc 690, enr 736 (Chapter 163)
- SB 374**, relative to the duties of the study committee on land management, protection of farmland, rural character, environmental quality, and sprawl. (Environment and Agriculture)  
375, K 657
- SB 375**, relative to motor vehicle dealerships. (Commerce)  
372, am 741-742, rules suspended & psd 772, S conc 889, enr 937 (Chapter 261)
- SB 376**, relative to the jurisdiction of the public utilities commission to determine consequential damages. (Science, Technology and Energy)  
**new title:** relative to the jurisdiction of the public utilities commission to determine consequential damages, and authorizing municipalities to jointly issue municipal revenue bonds for the purchase of hydro-electric generation facilities.  
220, am 701-702, psd 731, S conc 734, enr am 735, enr 851 (Chapter 164)
- SB 377**, relative to peer support programs within the department of health and human services. (Health, Human Services and Elderly Affairs)  
220, psd 599-600, 615, enr 652 (Chapter 100)
- SB 378**, relative to Article 9 of the Uniform Commercial Code. (Commerce)  
372, am 742-746, rules suspended & psd 772, S conc 889, enr 937 (Chapter 262)
- SB 379-FN**, relative to lottery scratch tickets. (Finance)  
567, psd 864-865, 876, enr 891 (Chapter 217)
- SB 381-FN**, relative to registration fees for off-highway recreation vehicles. (Resources, Recreation and Development)  
**new title:** relative to registration fees for off-highway recreation vehicles.  
319, psd 485, 516, enr am 569, enr 614 (Chapter 85)
- SB 382**, relative to appeals of release or detention orders. (Criminal Justice and Public Safety)  
319, psd 388, 440, enr 517 (Chapter 51)
- SB 383**, requiring the department of health and human services and insurers to make prompt payments. (Commerce)  
443, am 746-750, rules suspended & psd 772, S conc 890, enr am 936, enr 942 (Chapter 314)
- SB 384**, establishing a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge. (Environment and Agriculture)  
220, study 657
- SB 386-FN-L**, relative to names on birth certificates and affidavits of paternity. (Children and Family Law)  
372, psd 698, 731, enr 736 (Chapter 165)
- SB 387**, relative to proposed toll booths in the city of Nashua and relative to alternatives to the statewide toll booth system. (Public Works and Highways)  
443, study 628
- SB 389-FN**, relative to benefit options for surviving spouses and designated beneficiaries of deceased members of the retirement system. (Executive Departments and Administration)

- new title:** relative to medical benefits for group II members of the retirement system.  
374, am & Finance 622-623, psd 760-761, rules suspended & psd 772, S conc 890, enr 937 (Chapter 263)
- SB 390-FN**, relative to vested deferred retirement benefits for group II members. (Executive Departments and Administration)  
220, psd 623, 686, enr 692 (Chapter 127)
- SB 392-FN**, relative to the use of nonlapsed funds by the regional community-technical colleges. (Finance)  
220, psd 761, rules suspended & psd 772, enr 890 (Chapter 209)
- SB 393**, relative to single producer licensing. (Commerce)  
372, rem 739, am 804-805, psd 812, S conc 890, enr am 936, enr 942 (Chapter 315)
- SB 394-FN**, making miscellaneous changes in the insurance laws. (Commerce)  
374, am 620-621, psd 686, S conc 690, enr 736 (Chapter 166)
- SB 397-A-L**, making an appropriation from the education trust fund for public kindergarten programs and relative to the adequate education grant amount and property tax warrant for the town of Orange. (Finance)  
443, am 865, psd 876, S conc 890, enr 923 (Chapter 244)
- SB 399-FN-A**, making an appropriation to the fish and game department for the purposes of the wildlife damage control program. (Wildlife and Marine Resources)  
567, Finance 628, study 761
- SB 400-L**, relative to emergency medical and trauma services. (Health, Human Services and Elderly Affairs)  
443, K 600
- SB 401-FN-A-L**, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. (Resources, Recreation and Development)  
569, rules suspended, am & Finance (RC) 719-729, am, (RC), rules suspended & psd 831-842, S conc 882, enr am 890, enr 923, appointments 1108 (Chapter 245)
- SB 402-FN**, relative to employee reimbursement for work-related expenses. (Labor, Industrial and Rehabilitative Services)  
220, am 628, psd 686, S conc 690, enr 736 (Chapter 167)
- SB 403-FN-A**, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms. (Environment and Agriculture)  
220, am 658, psd 686, S nonconc, conf 730, rep adop 896, enr 937 (Chapter 270)
- SB 406-FN-L**, prohibiting the use of reformulated gasoline with watercraft on or in bodies of water that provide public water supplies. (Resources, Recreation and Development)  
569, K 770-771
- SB 407**, relative to dog licensure. (Environment and Agriculture)  
220, psd 621, 686, enr 692 (Chapter 128)
- SB 408**, establishing a committee to study the application of non-conventional veterinary procedures for domestic animals. (Environment and Agriculture)  
374, study 658
- SB 409-FN**, relative to health insurance coverage of qualified clinical trials. (Commerce)  
**new title:** relative to health insurance coverage of qualified clinical trials and establishing a committee to study the coverage for autologous bone marrow transplants.  
374, am 823-825, rules suspended & psd 849, S conc 890, enr am 936, enr 937, appointments 1106 (Chapter 264)

- SB 413-FN**, relative to confidentiality of addresses for victims of domestic violence, stalking, or sexual assault. (Criminal Justice and Public Safety)  
569, am 751-753, rules suspended & psd 772, S conc 890, enr am 936, enr 937 (Chapter 265)
- SB 414-FN**, reorganizing the divisions of the department of corrections. (Executive Departments and Administration)  
372, study 623
- SB 415**, relative to payment of group health insurance premiums for eligible retired members of the retirement system. (Executive Departments and Administration)  
374, am & Finance 623, am 761, rules suspended & psd 772, S conc 890, enr 937 (Chapter 266)
- SB 416-FN**, relative to licensure of dietitians. (Executive Departments and Administration)  
372, rem 619, am & psd 682-686, S conc 690, enr 736 (Chapter 168)
- SB 417**, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits. (Executive Departments and Administration)  
220, psd 623, 686, enr 692 (Chapter 129)
- SB 418**, relative to liquor liability insurance coverage. (Commerce)  
372, study 699
- SB 419-FN-L**, establishing the crime of negligent storage of a firearm. (Criminal Justice and Public Safety)  
374, am, (2 RCs), rules suspended & psd 843-849, S conc 890, enr 937 (Chapter 267)
- SB 420-FN**, increasing the penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening. (Criminal Justice and Public Safety)  
374, am & K (RC) 703-706
- SB 421-FN-A**, establishing a child day care program credit against the business profits tax and the business enterprise tax. (Finance)  
319, study 865
- SB 422-FN**, relative to the housing security guarantee loan program. (Finance)  
319, am 761-762, rules suspended & psd 772-773, S conc 890, enr am 936, enr 942 (Chapter 316)
- SB 424**, relative to controlled substances used for pain management. (Judiciary)  
372, rem 739, am 811, psd 812, S conc 890, enr 937 (Chapter 268)
- SB 425-FN**, relative to the private activity bond limit. (Finance)  
374, com changed 376, K 750
- SB 426-FN**, relative to boat dealers and repairers. (Transportation)  
372, am 681, psd 686, S conc 690, enr 736 (Chapter 169)
- SB 428-FN-A**, relative to the development of certain public health initiatives and making an appropriation therefor. (Finance)  
**new title:** relative to the health care fund.  
319, am 762-763, rules suspended & psd 772-773, S conc 890, enr 937 (Chapter 269)
- SB 431**, relative to certain secondary vocational education programs. (Education)  
319, am 637, psd 686, S nonconc, conf 730, rep adop 894, enr am 937, enr 942, appointments 1108 (Chapter 317)
- SB 432-FN-A**, relative to state assistance for teachers applying for national board certification. (Education)  
372, rem 599, am & Finance 611-613, K 763



- SB 434**, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees. (Environment and Agriculture)  
**new title:** exempting soil that is contaminated by lead due to use as a shooting range from hazardous waste cleanup fund fees, provided cleanup is initiated and completed in accordance with applicable laws and requirements, and exempting the town of Tilton from hazardous waste cleanup fund fees associated with the removal of the municipal target range.  
 220, am 658-659, psd 686, S conc 732, enr 736 (Chapter 170)
- SB 436**, relative to permanent revocation of drivers' licenses for causing a fatality or serious bodily injury while driving intoxicated. (Criminal Justice and Public Safety)  
**new title:** relative to revocation of drivers' licenses for causing a fatality, allowing administrative home confinement for habitual offenders, and authorizing certain impaired driver intervention programs for restoration of driving privileges.  
**2<sup>nd</sup> new title:** relative to revocation of drivers' licenses for causing a fatality and authorizing certain impaired driver intervention programs for restoration of driving privileges.  
 569, rem 739, am 806-807, psd 812, S nonconc, conf 884-885, rep adop 897, enr am 937, enr 942 (Chapter 318)
- SB 437**, relative to retail selling. (Commerce)  
 220, K 750
- SB 439-FN**, relative to motor vehicle offenses resulting in serious bodily injury. (Criminal Justice and Public Safety)  
**new title:** relative to motor vehicle offenses resulting in serious bodily injury and relative to driver record information.  
 374, rem 739, am 807-811, psd 812, S nonconc, conf 885, rep adop 894, enr am 937, enr 942 (Chapter 319)
- SB 442-FN**, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Labor, Industrial and Rehabilitative Services)  
 220, study 628
- SB 443-FN**, relative to veterinarian reimbursement for the animal population control program. (Environment and Agriculture)  
 372, psd 621, 686, enr 692 (Chapter 134)
- SB 444-FN**, relative to methadone maintenance treatment. (Criminal Justice and Public)  
 372, K 753
- SB 445-FN**, relative to methadone maintenance treatment. (Criminal Justice and Public Safety)  
**new title:** relative to methadone maintenance treatment and the licensing of limited retail drug distributors.  
 372, am 849-851, psd 876, S conc 890, enr am 936, enr 937 (Chapter 271)
- SB 446**, relative to the integration of information technology at the state, county and municipal levels. (Executive Departments and Administration)  
 372, am 757, rules suspended & psd 772, S conc 890, enr 942, committee amended 1100 (Chapter 320)
- SB 447-FN**, relative to campaign contributions and expenditures. (Election Law)  
 374, am, K & debate printed (3 RCs) 637-652
- SB 448**, establishing a guardians ad litem board. (Children and Family Law)  
**new title:** establishing a guardian ad litem board.  
 372, am & Finance 620, am 763-764, rules suspended & psd 772-773, S nonconc, conf 886, rep adop 897-898, enr 942 (Chapter 321)
- SB 449-FN**, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises. (Finance)

**new title:** clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; and making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001.

**2<sup>nd</sup> new title:** clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises; increasing certain appropriations to the legislative branch for consultants; making fiscal year 2000 legislative branch appropriations nonlapsing until June 30, 2001; and appropriating funds to the legislative budget assistant and the department of revenue administration for tax modeling.

220, rules suspended & am 865-867, psd 876, S nonconc, conf 886, rep adop 898-900, enr am 937, enr 942 (Chapter 322)

**SB 450-FN**, prohibiting the importation of tobacco products that violate federal law. (Finance)  
319, am 764-765, rules suspended & psd 772-773, S conc 890, enr am 936, enr 942 (Chapter 323)

**SB 452**, increasing to \$25 per game date the amount operators of bingo games may be reimbursed for out-of-pocket expenses. (Criminal Justice and Public Safety)  
374, psd 699, 731, enr 736 (Chapter 171)

**SB 453**, relative to the expending of legacies or gifts and the transfer of funds by the regional community-technical colleges. (Finance)  
372, psd 765-766, rules suspended 772-773, enr 890 (Chapter 210)

**SB 454**, relative to penalties for engaging in the business of retail installment sales of motor vehicles after failure to renew a retail seller's license. (Commerce)  
374, psd 702, 731, enr 736 (Chapter 172)

**SB 455**, relative to campgrounds. (Resources, Recreation and Development)  
443, psd 668, 686, enr 692 (Chapter 130)

**SB 456**, relative to testing newborns for deafness. (Health, Human Services and Elderly Affairs)  
443, psd 627, 686, enr 692 (Chapter 131)

**SB 457**, relative to ownership of certified public accounting firms. (Executive Departments and Administration)  
732, rem 739, study 811

**SB 458**, increasing the salary of the executive secretary of the retirement system and changing the title to executive director. (Executive Departments and Administration)  
688, psd 863, 876, enr am 890, enr 923 (Chapter 246)

**SB 459**, relative to underinsured motorists. (Commerce)  
**new title:** relative to uninsured or underinsured motorist insurance coverage.  
688, rem 739, SO 805, K, recon, LT rej (2 RCs) & SO 825-831, am 874-875, psd 876, S conc 890, enr am 936, enr 942 (Chapter 324)

**SB 460-FN**, establishing a grant program to reimburse eligible districts served by municipal waste combustors. (Science, Technology and Energy)  
689, study 771

**SB 461**, establishing a committee to study the creation of a flag to honor all police departments in the state. (Executive Departments and Administration)  
688, K 757

**SB 464**, relative to the use of municipal and school district facilities for stunt biking and relative to the sale of bicycles at public auction. (Judiciary)  
688, am 768-769, rules suspended & psd 772-773, S conc 890, enr 937 (Chapter 237)

**SB 465-FN-L**, relative to the definition of "sugar orchard" for purposes of the timber yield tax. (Environment and Agriculture)  
732, study 861

- SB 467**, relative to the exemption from regulation of certain elevating devices. (Labor, Industrial and Rehabilitative Services)  
688, psd 769, rules suspended & psd 772-773, enr 890 (Chapter 211)
- SB 468**, relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. (Judiciary)  
688, psd (RC) 869-871, 876, enr am 890, enr 937, S sustained veto 1095
- SB 469**, relative to mutual insurance holding companies. (Commerce)  
688, psd 831, 876, enr am 890, enr 923 (Chapter 247)
- SB 470**, relative to the administrative authority of the board of trustees for the regional community-technical colleges. (Education)  
**new title:** relative to the duties of the commission on the status of community-technical education.  
688, am 753, rules suspended & psd 772, S nonconc, conf 885, rep adop 894, enr 942, committee amended (Chapter 325)
- SB 471**, relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant and ratifying article 12 of the 1999 Seabrook annual town meeting. (Municipal and County Government)  
**new title:** relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields and Milan; and relative to amending the Hampton Beach village district charter.  
**2<sup>nd</sup> new title:** relative to authorizing the town of Seabrook to establish a reserve fund for tax stabilization related to the decommissioning of the Seabrook nuclear plant; relative to ratifying certain annual meetings in Newfields, Salisbury and Milan; and relative to amending the Hampton Beach village district charter.  
688, am 769-770, rules suspended & psd 772-773, S nonconc, conf 885, rep adop 900, enr am 936-937, enr 937 (Chapter 238)
- SB 472**, relative to final authorization of electric rate reduction financing and commission action. (Science, Technology and Energy)  
732, am (RC) & debate printed 773-804, psd 812, S nonconc, conf 882, rep adop (RC), protests & debate printed 900-920, enr am & enr 937 (Chapter 249)

## 2000 SESSION

### SENATE JOINT RESOLUTIONS

- SJR 1**, a resolution concerning the status of the White Mountain National Forest within the U.S. Forest Service's forest management plan. (State-Federal Relations and Veterans Affairs)  
688, psd 771, rules suspended & psd 772-773, enr am 884, enr 891 (Chapter 213)

## 2000 SESSION

### SENATE CONCURRENT RESOLUTIONS

- SCR 3**, rescinding the 1979 call for a federal constitutional convention. (State-Federal Relations and Veterans Affairs)  
372, SO 611, K (RC) 678-681
- SCR 4**, urging the federal government to establish a new zip code for the town of Madbury. (State-Federal Relations and Veterans Affairs)  
372, adop 601, 615
- SCR 5**, a resolution urging the New England states and New York to consider cooperative strategies to address the challenge of the high cost of prescription medicines. (Health, Human Services and Elderly Affairs)  
688, adop 766, rules suspended & adop 766, 772-773

- SCR 6**, urging the President and Congress to address the challenge of high prescription medication prices. (State-Federal Relations and Veterans Affairs)  
688, am 874, adop 876, S nonconc, conf 886, 891, rem 892, rep adop 923
- SCR 7**, urging the federal government to consider the impacts on New Hampshire and the smaller states of interstate waste legislation. (State-Federal Relations and Veterans Affairs)  
615, study 771

## 2000 SESSION

### CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

#### 1999 CACR'S RE-REFERRED TO COMMITTEE

- CACR 2**, relating to supreme court rules. Providing that supreme court rules shall be subject to review and approval by a special legislative committee.  
**new title:** relating to supreme court rules. Providing that supreme court rules may not be inconsistent with statutes.  
am & LT (RC) 137-140, recon, debate printed, rules suspended & adop (RC) 604-610, S nonconc 879
- CACR 5**, relating to voting and elective rights of incarcerated felons. Providing that no felon, from the time of conviction until final discharge of sentence, shall vote in an election, become a candidate, or hold public office.  
**new title:** relating to voting and elective rights of incarcerated felons. Providing that any person who has been convicted of a felony may be denied the right to vote for any or all of the time between conviction and final discharge of sentence, as provided by law.  
rcmt 121, am, rules suspended & adop 200-202, S nonconc 568
- CACR 10**, relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education.  
SO 125, K (RC) 158-161
- CACR 11**, relating to the use of lottery revenues for educational purposes. Providing that lottery revenues be distributed directly to the governing body of the city or town.  
K 126
- CACR 20**, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected. (Election Law)  
220, K (RC) 851-854
- CACR 22**, relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed.  
SO 140, K (RC) 161-164
- CACR 23**, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of moneys received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all moneys received from such income tax and all the interest received on such moneys shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such moneys shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Finance)  
220, K (RC) 660-663
- CACR 26**, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty



to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed.

K (RC) 126-129

## 2000 SESSION

### CONSTITUTIONAL AMENDMENT CONCURRENNT RESOLUTIONS

**CACR 30**, relating to judicial retirement. Providing that a judge may serve after age 70 if appointed by governor and council to a 5-year renewable term. (Soltani, Merr 10: Judiciary)  
24, SO 357, K (RC) 420-423

**CACR 31**, relating to the constitutional duty of the legislature concerning the interest of literature and the sciences. Providing that the legislature shall no longer have the constitutional duty to promote the interest of literature and the sciences. (Bickford, Straf 1: Finance)  
24, com change rej (RC) 140-143, K 417

**CACR 32**, relating to the size of the general court. Providing that provisions mandating the size of the general court shall be removed from the constitution and shall be established by statute. (Buckley, Hills 44; et al: Legislative Administration)  
24, K 553

**CACR 33**, relating to meetings of the legislature. Providing that the legislature shall assemble biennially. (Buckley, Hills 44; et al: Legislative Administration)  
24, LT 512-513, Clerk's note 1099

**CACR 34**, relating to money raised by taxation. Providing that the provision prohibiting money raised by taxation from being granted or applied for the use of schools or institutions of any religious sect or denomination shall be removed from the constitution. (Bruno, Hills 4; et al: Education)  
24, K (RC) 290-293

**CACR 35**, relating to malfeasance and crime in state agencies. Providing that a permanent grand jury shall be established to review and investigate all actions by agencies of the state of New Hampshire and all indictments arising therefrom shall be prosecuted promptly and without delay. (Marple, Merr 11: Judiciary)  
24, rem 147, SO 168, K 176

**CACR 36**, relating to voting rights of homeowners. Providing that every person shall be considered an inhabitant for the purposes of voting relating to the raising of money in any town, ward, or unincorporated place where the person has his or her domicile or owns a residence. (Leonard, Hills 39: Election Law)  
24, K 326

**CACR 37**, relating to the right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental. (Gilmore, Straf 11; et al: Judiciary)  
25, study 177

**CACR 39**, relating to the funding of public education. Providing that the state shall fund an amount not less than 30 percent of the total annual statewide cost of public education for kindergarten through grade 12 and that the general court shall have the power to apportion this amount by statute; that the state shall support access to a continuum of educational opportunities including early childhood and postsecondary education at a financial level deemed appropriate by statute; and that beginning April 1, 2001, no property tax in any form shall be used to fund the state's obligation to cherish and support public education. (Peterson, Hills 8; et al: Finance)  
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HB 1251, relative to driver education training reimbursement. Question, pass over governor's veto. Yeas, 132; Nays, 209 .....	963-965
HB 1252, establishing a beneficial use policy for wastewater sludge and providing technical and education assistance to municipalities and their residents concerning the beneficial use of sludge. Question, adopt majority report of inexpedient to legislate. Yeas, 199; Nays, 138 .....	527-529
HB 1260-FN, relative to the cost of prescription medication. Question, adopt committee report of refer for interim study. Yeas, 209; Nays, 104 .....	436-439
HB 1271, relative to participation by minors in certain athletic activities. Question, adopt majority report of inexpedient to legislate. Yeas, 238; Nays, 123 .....	405-408
HB 1292, making it a crime to cause the death of an unborn child as a result of committing a violent act against a pregnant woman. Question, adopt committee report of inexpedient to legislate. Yeas, 283; Nays, 54 .....	363-365
HB 1293, relative to same sex marriages contracted outside the state of New Hampshire. Question, adopt committee report of inexpedient to legislate. Yeas, 232; Nays, 128 .....	493-496
HB 1343-FN-A, appropriating available funds for fiscal year 2000 to provide funding to support research monitoring groundwater at reclamation sites that have had sludge applied. Question, pass over governor's veto. Yeas, 275; Nays, 63 .....	966-968
HB 1358, prohibiting smoking in restaurants. Question, adopt majority report of inexpedient to legislate. Yeas, 219; Nays, 110 .....	241-243
HB 1363, relative to grandparents' visitation rights. Question, adopt committee report of inexpedient to legislate. Yeas, 258; Nays, 72 .....	198-200
HB 1406, relative to transition service. Question, pass over governor's veto. Yeas, 19; Nays, 323 .....	954-956
HB 1430, establishing a committee to study the circumstances and investigations of the deaths of Janet and Steven Dow. Question, adopt committee report of inexpedient to legislate. Yeas, 215; Nays, 133 .....	497-499
HB 1456, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment. Question, adopt committee report of inexpedient to legislate. Yeas, 184; Nays, 133 .....	258-260
HB 1461-FN-L, relative to an education property tax exemption and school choice. Question, adopt committee report of inexpedient to legislate. Yeas, 275; Nays, 35 .....	366-368
HB 1464, relative to the licensing process for new health care facility construction. Question, adopt committee report of ought to pass. Yeas, 203; Nays, 118 .....	251-253
HB 1469, establishing a committee to study the feasibility of making the division of children, youth, and families an independent state agency. Question, adopt committee amendment. Yeas, 206; Nays, 142 .....	632-634
Question, adopt committee report of ought to pass with amendment. Yeas, 214; Nays, 135 .....	634-636
HB 1475-FN, relative to the applicable minimum wage for hourly employees. Question, adopt Goley floor amendment. Yeas, 190; Nays, 152 .....	542-545
Question, adopt motion of ought to pass with amendment. Yeas, 170; Nays, 173 .....	545-548
Question, adopt motion of inexpedient to legislate. Yeas, 174; Nays, 169 .....	548-550
Question, reconsideration. Yeas, 169; Nays, 175 .....	550-553



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HB 1499, relative to credit for American sign language and transliteration as a foreign language. Question, adopt committee report of inexpedient to legislate. Yeas, 233; Nays, 94 .....	248-251
HB 1500-FN, relative to judicial retirement compensation and benefits to supreme court chief justice Brock. Question, adopt Dyer floor amendment. Yeas, 103; Nays, 231 .....	1061-1064
Question, adopt Simon floor amendment. Yeas, 37; Nays, 298 .....	1065-1067
Question, ought to pass. Yeas, 72; Nays, 263 .....	1067-1070
HB 1510-FN, relative to establishing a medical savings account plan for providing state employee health care benefits. Question, adopt conference committee report. Yeas, 204; Nays, 122 .....	925-928
HB 1511-FN, requiring parental notification before abortions may be performed on unemancipated minors. Question, adopt majority report of inexpedient to legislate. Yeas, 209; Nays, 145 .....	426-428
HB 1521-FN-L, relative to the definition and administration of an adequate education. Question, adopt majority report of ought to pass with amendment. Yeas, 180; Nays, 174 .....	345-347
Question, reconsideration. Yeas, 178; Nays, 176 .....	348-350
Question, lay on table. Yeas, 180; Nays, 174 .....	350-353
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Question, adopt Hoadley/Ward floor amendment. Yeas, 219; Nays, 138 .....	586-589
Question, adopt Estabrook floor amendment. Yeas, 142; Nays, 217 .....	593-596
Question, adopt committee report of ought to pass with amendment. Yeas, 216; Nays, 143 .....	596-598
HB 1548-FN, abolishing the death penalty. Question, adopt motion of ought to pass. Yeas, 191; Nays, 163 .....	338-340
Question, lay on table. Yeas, 134; Nays, 203 .....	949-951
Question, pass over governor's veto. Yeas, 194; Nays, 148 .....	951-953
HB 1557-FN-A, increasing the cigarette tax. Question, lay on table. Yeas, 145; Nays, 196 .....	532-535
Question, adopt committee report of inexpedient to legislate. Yeas, 212; Nays, 131 .....	535-537
HB 1587-FN, relative to payment of health insurance costs for certain child care agencies. Question, adopt majority report of refer for interim study. Yeas, 196; Nays, 153 .....	538-540
HB 1608-FN-L, relative to minors and smoking. Question, adopt committee report of inexpedient to legislate. Yeas, 242; Nays, 89 .....	245-248
HB 1618, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations. Question, adopt majority report of refer for interim study. Yeas, 252; Nays, 42 .....	669-671
HB 1623, relative to the disclosure of customer financial information by financial institutions. Question, adopt majority report of inexpedient to legislate. Yeas, 189; Nays, 151 .....	601-604
HB 2000-FN-L, relative to a 10-year transportation plan. Question, adopt committee amendment. Yeas, 247; Nays, 97 .....	716-718
Question, adopt conference committee report. Yeas, 254; Nays, 72 .....	928-930
HRC 25, opposing the President's action to establish vast roadless areas in the White Mountain National Forest without the consultation or input of the New Hampshire citizenry. Question, adopt committee report of ought to pass with amendment. Yeas, 269; Nays, 62 .....	166-168
HCR 26, relative to the redistricting of the town of Alexandria following the 2000 census. Question, adopt committee report of inexpedient to legislate. Yeas, 184; Nays, 151 .....	354-356
HCR 32, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. Question, adopt committee report of ought to pass. Yeas, 219; Nays, 95 .....	263-265
HR 20, urging Congress to pass a pending resolution proposing an amendment to the United States Constitution relating to voluntary school prayer. Question, adopt majority report of ought to pass. Yeas, 162; Nays, 179 .....	433-436
HR 50, authorizing and directing the House Judiciary committee to investigate whether cause exists for the impeachment of David A. Brock, chief justice, and or any other justice of the New Hampshire supreme court. Question, adopt resolution. Yeas, 343; Nays, 7 .....	577-580
HR 51, recommending impeachment of supreme court chief justice David A. Brock. Question, adopt article 1. Yeas, 219; Nays, 138 .....	1009-1011
Question, adopt article 2. Yeas, 252; Nays, 104 .....	1025-1027
Question, adopt article 3. Yeas, 242; Nays, 112 .....	1033-1036
Question, adopt Jacobson floor amendment. Yeas, 244; Nays, 108 .....	1041-1043

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Question, adopt Mirski floor amendment. Yeas, 113; Nays, 231 .....	1046-1049
Question, adopt resolution as amended. Yeas, 253; Nays, 95 .....	1049-1052
HR 52, recommending that no article of impeachment be brought against supreme court justice Sherman D. Horton, Jr. Question, adopt Mirski floor amendment.	
Yeas, 135; Nays, 190 .....	1074-1076
Question, adopt the resolution. Yeas, 187; Nays, 134 .....	1077-1079
HR 53, recommending that no article of impeachment be brought against supreme court justice John T. Broderick, Jr. Question, adopt Mirski floor amendment.	
Yeas, 145; Nays, 177 .....	1087-1090
Question, adopt the resolution. Yeas, 176; Nays, 144 .....	1091-1093
SB 76-L, allowing certain municipalities to offer tax exemptions to foster commercial and industrial construction. Question, adopt committee report of ought to pass with amendment. Yeas, 204; Nays, 118 .....	555-557
SB 116, eliminating straight ticket voting. Question, adopt majority report of inexpedient to legislate. Yeas, 191; Nays, 145 .....	121-124
SB 132, requiring a review of public safety communications requirements regarding the summit of Mount Kearsarge, establishing an advisory committee regarding the review, and placing a moratorium until July 1, 2001 on new leases, use permits, or extensions of lease or permit terms for telecommunication facilities on the summit of Mount Kearsarge. Question, adopt conference committee report.	
Yeas, 173; Nays, 165 .....	921-923
SB 143, relative to penalties for incest. Question, adopt committee amendment.	
Yeas, 145; Nays, 191 .....	101-104
Question, adopt floor amendment. Yeas, 323; Nays, 12 .....	104-106
SB 153-FN-A, requiring that a percentage of profits derived by the liquor commission be placed into and continually appropriated to a special fund for alcohol education and abuse prevention and treatment programs. Question, adopt floor amendment.	
Yeas, 206; Nays, 111 .....	107-109
Question, pass over governor's veto. Yeas, 243; Nays, 71 .....	1096-1098
SB 186-FN, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance. Question, adopt committee amendment. Yeas, 178; Nays, 141 .....	134-137
SB 219-FN-L, establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor. Question, adopt committee report of inexpedient to legislate. Yeas, 211; Nays, 125 .....	706-708
SB 303, relative to campaign contributions by business organizations. Question, adopt remainder of amendment (excluding section 5). Yeas, 238; Nays, 74 .....	857-860
SB 307, relative to biosolids and short paper fiber. Question, lay on table.	
Yeas, 137; Nays, 197 .....	652-655
Question, adopt majority report of ought to pass. Yeas, 219; Nays, 130 .....	655-657
SB 353, relative to sales of insurance by financial institutions. Question, adopt floor amendment. Yeas, 178; Nays, 135 .....	817-819
SB 360, adopting a pupil safety and violence prevention act. Question, adopt committee amendment. Yeas, 238; Nays, 108 .....	709-712
Question, adopt committee report of ought to pass with amendment. Yeas, 233; Nays, 113 .....	712-714
SB 363, relative to the sale of malt beverages. Question, adopt section 1 of the amendment.	
Yeas, 232; Nays, 84 .....	821-823
SB 401-FN-L, establishing the New Hampshire land and community heritage investment program and making an appropriation therefor. Question, adopt majority report of ought to pass with amendment. Yeas, 337; Nays, 6 .....	727-729
Question, adopt committee report of ought to pass with amendment. Yeas, 326; Nays, 9 .....	839-842
SB 419-FN-L, establishing the crime of negligent storage of a firearm. Question, adopt majority amendment. Yeas, 236; Nays, 29 .....	844-846
Question, adopt majority report of ought to pass with amendment. Yeas, 194; Nays, 149 .....	846-849
SB 420-FN, increasing the penalty for people convicted of purposeful cruelty to animals taking place in front of children and with intent to intimidate them and relative to criminal threatening. Question, adopt majority report of ought to pass with amendment. Yeas, 166; Nays, 173 .....	703-706
SB 447-FN, relative to campaign contributions and expenditures. Question, adopt majority report of ought to pass with amendment. Yeas, 160; Nays, 192 .....	638-641

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Question, inexpedient to legislate. Yeas, 190; Nays, 162 .....	641-643
Question, adopt motion to print debate. Yeas, 196; Nays, 156 .....	643-646
<b>SB 459</b> , relative to underinsured motorists. Question, adopt committee report of inexpedient to legislate. Yeas, 165; Nays, 159 .....	826-828
Question, lay on table. Yeas, 153; Nays, 171 .....	828-830
<b>SB 468</b> , relative to the family division of the courts and relative to the jurisdiction of the family division in Rockingham county. Question, adopt motion of ought to pass. Yeas, 229; Nays, 44 .....	869-871
<b>SB 472</b> , relative to final authorization of electric rate reduction financing and commission action. Question, adopt majority report of ought to pass with amendment. Yeas, 212; Nays, 125 .....	781-783
Question, adopt conference committee report. Yeas, 267; Nays, 72 .....	909-911
<b>SCR 3</b> , rescinding the 1979 call for a federal constitutional convention. Question, adopt committee report of inexpedient to legislate. Yeas, 192; Nays, 90 .....	678-681
<b>CACR 2</b> , relating to supreme court rules. Providing that supreme court rules shall be subject to review and approval by a special legislative committee. Question, adopt committee report of ought to pass with amendment. Yeas, 231; Nays, 76 .....	137-140
Question, adopt committee report of ought to pass with amendment. Yeas, 267; Nays, 62 .....	608-610
<b>CACR 10</b> , relating to restricting the use of a statewide property tax and all funds deposited into the education trust fund to education funding. Providing that all revenues resulting from a statewide property tax and all funds deposited into the education trust fund shall be used exclusively for elementary and secondary education. Question, adopt committee report of inexpedient to legislate. Yeas, 245; Nays, 92 .....	159-161
<b>CACR 20</b> , relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected. Question, adopt majority report of inexpedient to legislate. Yeas, 212; Nays, 111 .....	851-854
<b>CACR 22</b> , relating to 7-year terms for state judges. Providing that all state judges appointed on or after January 1, 2001 be commissioned for 7-year terms, which may be renewed. Question, adopt committee report of inexpedient to legislate. Yeas, 194; Nays, 144 .....	162-164
<b>CACR 23</b> , relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of moneys received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all moneys received from such income tax and all the interest received on such moneys shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such moneys shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. Question, adopt majority report of inexpedient to legislate. Yeas, 254; Nays, 91 .....	661-663
<b>CACR 26</b> , relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed. Question, adopt committee report of ought to pass. Yeas, 165; Nays, 174 .....	126-129
<b>CACR 30</b> , relating to judicial retirement. Providing that a judge may serve after age 70 if appointed by governor and council to a 5-year renewable term. Question, adopt committee report of ought to pass. Yeas, 162; Nays, 196 .....	420-422



**Roll Calls (cont.)**

CACR 34, relating to money raised by taxation. Providing that the provision prohibiting money raised by taxation from being granted or applied for the use of schools or institutions of any religious sect or denomination shall be removed from the constitution. Question, adopt majority report of inexpedient to legislate.	
Yeas, 241; Nays, 85 .....	291-293

**Rooms and meals tax.** See: Meals and rooms tax

<b>Route 49, Waterville Valley, reclassification .....</b>	<b>HB 1165</b>
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House, amendment to rule 64 – deadlines .....	737
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administrative procedures act repealed; rules which must be codified, study .....	HB 1509
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<b>Russell Reservoir dam, Harrisville, acquisition by environmental services .....</b>	<b>HB 1555</b>
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<b>Rye Harbor commercial fishing pier, jurisdiction transferred from DRED to port authority .....</b>	<b>HB 617</b>
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out-of-state, certificate from revenue administration exempting antique dealers .....	HB 1356
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- manufactured for sale outside the US, prohibited ..... SB 450
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**Salisbury, 2000 meeting legalized** ..... SB 471am

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- and excavation activity tax, exemption, local option ..... HB 1339
- tax on earth, rate increased ..... HB 1247
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**Sand dunes, alteration, Seabrook Beach village district and certain Hampton Beach lots**

- exempted from permit requirements ..... SB 72

**Sandogardy Pond, Northfield, petroleum powered boats prohibited** ..... HB 1306

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  - business enterprise tax ..... HB 1491
- definition changed to include purposes not strictly related to school activities; application
  - of safety laws ..... HB 1279
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- crimes added; confidentiality maintained ..... HB 304
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**Youth development center and youth services center, included in definition of placement**  
 costs in DCYF chapter ..... HB 405

**Youth development services department**

advisory board established; membership; duties ..... HB 1463am  
 ..... HB 1469am  
 bed supervision of regional youth centers ..... HB 628am  
 repealed, duties transferred to children's services and juvenile justice department ..... HB 200

**Z****Zoning**

appeals from decisions, times for action ..... HB 1163  
 innovative land use controls, village plan defined; expedited application process;  
 development restrictions ..... HB 391  
 ordinances  
 agricultural preservation a purpose; presumption that agricultural uses are permitted ..... HB 97  
 development in traditional village patterns may be required to deter sprawl ..... HB 209  
 International Property Maintenance Code, adoption authorized ..... HB 1111  
 legal action to enforce, recovery of court costs and attorney's fees, discretion of court  
 removed ..... HB 1123  
 may affect groundwater withdrawals ..... HB 212  
 may not restrict certain owners' rights to rebuild after a fire loss ..... HB 1590  
 planning boards  
 authority to issue driveway permits transferred to selectmen or city councils ..... HB 1425

**Zoning** (cont.)

## planning boards (cont.)

may disapprove subdivision applications when there are outstanding costs on withdrawn proposals .....	HB 1277
powers limited to specific statutory or ordinance language .....	HB 1453
time to review subdivision applications increased .....	HB 1332
smart growth, encouragement a policy of the state .....	HB 1259
sprawl, land use management study, duties expanded to include growth expansion and regional planning laws .....	SB 374





































